UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Monday, 16 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. KRENKEL (Austria)

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AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

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Distr. GENERAL
A/C.3/47/SR.40
7 December 1992
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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/47/40, A/47/41, A/47/44, A/47/427, A/47/428, A/47/429, A/47/518, A/47/628, A/47/632, A/47/662)

Introductory statement

1. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights) said that currently 164 States were parties to one or more of the seven human rights instruments. The Third Committee would consider a number of important questions relating to the implementation of those instruments, including the question of full regular budget funding for the human rights treaty bodies. In its resolution 46/111, the General Assembly had invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to consider, as a matter of priority, all possible measures for meeting the costs of implementing those treaties on a viable, guaranteed basis, including the adoption of amendments to the funding provisions of those treaties. Such amendments were subsequently adopted by the States parties to the two treaties, but would have to be approved by the General Assembly before they could enter into force. Detailed background information on the question was provided in the report of the Secretary-General on the implications of full funding for the operation of all human rights treaty bodies (A/47/518).

2. The Third Committee also had before it the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628), which had taken place pursuant to General Assembly resolution 46/111 and Commission on Human Rights resolution 1992/15. In view of the significant increase since 1990 in the number of States parties to the human rights treaties, the Third Committee would also have to consider the question of adequate staffing resources for the operation of the treaty bodies. Lastly, the Manual on Human Rights Reporting, which had already been published in English and Chinese, was currently being translated into Arabic, French, Russian and Spanish, and was expected to be published in those languages during the first half of 1993.

3. The Third Committee had before it the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/47/428), submitted pursuant to General Assembly resolution 46/112, as well as the report of the Committee on the Rights of the Child (A/47/41). Since the entry into force of the Convention on 2 September 1990, 126 States had ratified or acceded to it and another 27 had signed it. At its first session, held in Geneva from 30 September to 18 October 1992, the Committee on the Rights of the Child had devoted its attention mainly to organizational matters and ways in which it could ensure effective cooperation with the specialized agencies and other competent United Nations bodies as well as with the United Nations Children's

Fund. The Committee had expressed particular concern about the size of its prospective workload and recommended that as from 1993 at least two regular sessions of the Committee be scheduled annually and that a pre-sessional working group be established to meet approximately two months in advance of each session to conduct a preliminary review of reports and to consider questions relating to technical assistance and international cooperation. The Committee had also requested that a one-week meeting of a working group of the whole be scheduled before the end of 1992 to prepare for the consideration of the first round of reports. It might be recalled that the General Assembly, in its resolution 46/112, had approved the organization of the future work of the Committee on that basis. Other recommendations adopted by the Committee had included the matter of its sources of information; its relations with other United Nations organs and treaty bodies; the dissemination of information on the Convention and on the work of the Committee, and recommendations to the Preparatory Committee of the World Conference on Human Rights.

4. At its second session, held in Geneva from 28 September to 9 October 1992, the Committee had continued to discuss matters relating to its methods of work. It had referred to the first informal consultation it had held for the Latin American and Caribbean region in Quito, Ecuador in June 1992 and expressed the hope that similar informal meetings would be organized in the future in other regions of the world. In addition, the Committee had discussed its participation in the preparatory activities for the World Conference on Human Rights and its contribution to the fourth meeting of persons chairing of the human rights treaty bodies. Pursuant to General Assembly resolution 46/112, the Secretary-General had convened a brief meeting of the States parties to the Convention to determine the duration of the meetings of the Committee and the organization of the Committee's future sessions. At that meeting, held in New York, on 11 November 1992, the States parties had approved the organization of the future work of the Committee on the basis of two sessions per year, each of two or three weeks' duration, and the establishment of a pre-sessional working group prior to each session. In accordance with the provisions of article 43, paragraph 10, of the Convention, that decision, which had been made available to the Third Committee in document A/47/667, was before the General Assembly for approval at the current session.

5. It would be noted in the report of the Human Rights Committee (A/47/40) that the Committee had considered a total of 13 reports submitted to it by States parties under article 40 of the Covenant at its forty-third to forty-fifth sessions. Additionally, the Committee had adopted final views on 19 cases under the Optional Protocol and completed the consideration of another 31 cases by declaring them inadmissible. The Committee had also decided that it would adopt concluding comments on State reports that reflected the views of the Committee as a whole. Such comments contained recommendations concerning legislative steps Governments could take to implement the provisions of the Covenant more effectively.

(Mr. Houshmand)

6. The Committee had updated its general comments on article 7, concerning torture or other cruel, inhuman or degrading treatment, as well as article 10, dealing with deprivation of liberty. It had also decided to update its general comments relating to freedom of thought, conscience and religion and with regard to the right to political participation. In addition, at its forty-fifth session the Committee had decided to start preparatory work on a general comment that would address issues relating to reservations to the Covenant and the Optional Protocol.

7. The Third Committee also had before it the report of the Committee on Economic, Social and Cultural Rights (E/1992/23). During its sixth session, the Committee had examined 10 reports submitted by eight States parties, bringing the total number of reports so far examined by the Committee to 66. In view of the long-standing backlog of States parties' reports still awaiting consideration, the Economic and Social Council had authorized the holding of an extraordinary additional session of the Committee in the first half of 1993. Deeply concerned by the fact that many States parties had not fulfilled their reporting obligations under the Covenant, the Committee had decided to establish a new procedure regarding initial reports which were 10 or more years overdue and periodic reports which were five or more years overdue.

8. The Committee had asked one of its members to prepare draft general observations on how the economic, social and cultural rights of the elderly could best be promoted for the Committee's consideration at a future session. The Committee had discussed how economic and social indicators might be used in evaluating the realization of economic, social and cultural rights, as well as the desirability of elaborating a possible optional protocol to the Covenant that would establish a procedure for the consideration of complaints.

9. The Third Committee also had before it the fifth annual report of the Committee against Torture (A/47/44). As at 31 October 1992, 69 States had ratified, acceded or succeeded to the Convention. Fifteen other States had signed but not yet ratified it. Twenty-eight States parties to the Convention had made the declarations provided for under articles 21 and 22 of the Convention and one State party had made the declaration provided for in article 21 only, bringing the total of declarations under that article to 29. During its seventh and eighth sessions in Geneva, the Committee against Torture had considered reports submitted by 11 States parties in accordance with article 19 of the Convention and discussed various other matters such as strengthening cooperation and the coordination of its activities with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, the question of a draft optional protocol to the Convention and its participation in the preparatory activities relating to the World Conference on Human Rights. The Committee had also continued its work under article 20 of the Convention and concluded consideration of two communications under article 22 of the Convention.

10. Lastly, he noted that since the accession of Zimbabwe and Estonia in 1991 and that of Lithuania in 1992 to the Convention on the Prevention and

(Mr. Houshmand)

Punishment of the Crime of Genocide, the total number of States parties to that instrument came to 106, as was indicated in the Secretary-General's report (A/47/427). With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Secretary-General's report (A/47/429) noted that there were only two signatories to that instrument and that no ratification or accession had as yet been received.

11. The CHAIRMAN pointed out that the Secretary-General's note (A/47/434) was incorrectly shown on its cover page as falling under agenda item 97 (a) instead of agenda item 97 (b). Agenda item 97 (a) would be considered separately while agenda items 97 (b) and 97 (c) would be discussed jointly. The official meeting would be followed by an informal meeting to discuss the implementation of human rights instruments.

The meeting rose at 10.50 a.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
41st meeting
held on
Monday, 16 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman:	Mr. DÉKÁNY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL (Chairman)	(Austria)

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AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

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A/C.3/47/SR.41
30 November 1992

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In the absence of Mr. Krenkel (Austria), Mr. Dékány (Hungary), Vice-Chairman, took the Chair.

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/47/131, 178, 280, 296, A/47/351-S/24357, A/47/364, 365, 391, 564, 569 and A/47/638-S/24772)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/47/12 and Add.1)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued) (A/47/91-S/23585, A/47/529 and Corr.1)

(c) HUMANITARIAN QUESTIONS (continued) (A/47/352, A/47/420-S/24519, A/47/455-S/24571 and A/47/540)

1. Mr. SERGIWA (Libyan Arab Jamahiriya) said that concerted international action was needed to find durable solutions to the worsening refugee situation world wide. His country appreciated the international response to the plight of refugees, particularly by African countries, which were the least equipped to cope with such huge influxes. None the less, he stressed the need to strengthen the ability of the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide rapid emergency relief and implement preventive measures as the situation demanded, and supported its efforts in that direction. It was also imperative to adhere to the guiding principles on humanitarian assistance contained in the annex to General Assembly resolution 46/182 concerning impartiality, the sovereignty of host countries and non-interference in their internal affairs.

2. He commended UNHCR's work to protect refugees and its successes in Africa, South-East Asia and Latin America in the field of voluntary repatriation and social reintegration, which offered the best durable solution. The prime objective, however, was to eliminate the root causes. Reflecting its solidarity with the international community in confronting the crisis, his country had hosted large numbers of new African refugees during the latter half of 1991. In April 1992, it had also provided financial assistance to refugee children in southern Sudan and neighbouring States and had sent medical convoys to various African countries, details of which were contained in document A/47/529.

3. Mr. Krenkel (Austria), Chairman, took the Chair.

4. Mrs. BENNANI (Morocco) said that many African countries, which were most affected by the alarming developments in the refugee situation, had humanely welcomed new influxes, despite their inadequate resources. Increased

(Mrs. Bennani, Morocco)

cooperation with the richest countries would undoubtedly help them to cope, although political stability and sustained economic growth were the key answers. The protection of refugees also implied respect for human rights, since it was minorities and the most vulnerable members of society who suffered most in such situations. Her delegation therefore welcomed the appointment of a Senior Coordinator responsible for implementing policy on refugee children. It also commended UNHCR on the results achieved through its three-point strategy and supported the recommendations on international protection contained in document A/47/12 and Add.1, which constituted a new approach. Prevention, which aimed to preclude mass exoduses and eliminate their causes, required UNHCR's direct involvement in situations of crisis or open conflict, such as in the former Yugoslavia.

5. As an active member of the Executive Committee of the High Commissioner's Programme, her delegation had always stressed the importance of durable solutions, notably voluntary repatriation, which demanded cooperation between UNHCR, the countries of origin and the international community. It commended the Governments involved for their part in the success of various repatriation operations throughout the world.

6. Her delegation regretted that UNHCR had failed to take stock of the numbers of Saharan refugees in Algerian camps with a view to implementing the fundamental principle of voluntary repatriation. Instead, it had merely evaluated their needs, thus perpetuating their situation. She stressed that Saharan returnees, who had fled the camps in recent years, at great risk to their lives, in order to live in freedom and dignity among their own people, enjoyed the same political, economic and social rights as all other Moroccans. Those still detained against their will in such camps, however, were deprived of their fundamental rights and freedoms, particularly freedom of movement. In that connection, her delegation especially appreciated the High Commissioner's comments to the effect that, in the absence of political solutions, refugees should neither be held hostage nor victim to political opportunism. In conclusion, she welcomed the enhanced cooperation between the United Nations specialized agencies and other international organizations working with refugees, and hoped that the international community would continue to help UNHCR in its daunting task.

7. Mr. REZVANI (Iran, Islamic Republic of), citing the main reasons for which people left their homelands in search of better lives, said that the new influxes of refugees suggested a hitherto inadequate approach to the problem. In that respect, he emphasized respect for human dignity and international socio-economic cooperation. His Government, which accorded high priority to the voluntary repatriation of Afghan refugees, planned to establish UNHCR urban and transit camps to facilitate the process. It had also signed a memorandum of understanding with Afghanistan and UNHCR in order to establish a regular repatriation procedure. However, the aim of returning half a million refugees by the end of 1992 hinged on a generous international response, in which connection he thanked Japan for its commendable contribution and looked

(Mr. Rezvani, Iran, Islamic Republic of)

forward to supplementary support for its own assistance programmes. Notwithstanding the diminishing number of refugees in his country, international assistance had been criticized as being unfairly disproportionate to requirement, covering at best only 25 per cent of the country's efforts.

8. His country strongly believed that a durable solution to the brutal "ethnic cleansing" of Muslims in Bosnia and Herzegovina was linked to the suppression of Serbian aggression through mechanisms provided under the United Nations Charter. It appreciated the humanitarian assistance already provided and looked forward to measures which addressed the root causes.

9. Expressing concern that the Islamic Republic of Iran would be compelled to host new flows of refugees, he said that UNHCR activities merited even more serious attention and a more comprehensive approach which would enable the Office to make the best use of its resources for aiding current refugees. His country, given its experience in initiating preventive measures, was ready to cooperate with UNHCR and the Department of Humanitarian Affairs to avert new influxes.

10. He outlined the fruitful results of cooperation between his country and non-governmental organizations during the Persian Gulf crisis, recently culminating in the organization of a seminar and the establishment of a special unit serving as a focal point for coordinating refugee and development activities undertaken by non-governmental organizations. Lastly, he emphasized the need to strengthen the capacity of the United Nations system to respond to emergency situations, in which context his country was ready to share its experience of natural and man-made disasters in addressing the root causes of refugee movements.

11. Mr. SAHRAOUI (Algeria), speaking in exercise of the right of reply, said that Morocco's concern for human rights would be more appropriately directed towards those facing internationally recognized situations of denials of human rights. Morocco's allegations that the Saharan population was being held captive, which were by no means new, defied both common sense and the evidence that whole sectors of that population, including women, children and elderly people, had been compelled to flee their homes in search of asylum.

12. The appeal to UNHCR to take action to ensure that the Saharan population could exercise its free will to return to Western Sahara disregarded two important factors. The first was the mandate of UNHCR, which did not permit it to act as a substitute for, or to contravene, the United Nations settlement plan involving the organization of a referendum on self-determination. The second was the accepted principle that repatriation should not occur where returnees faced a situation of conflict and a further risk of being subjected to the human rights violations that had caused them to flee. As long as the conflict in Western Sahara was not settled, Algeria understood the wish of the Saharan population not to take the risk of returning home.

13. Mr. BENJELLOUN-TOUIMI (Morocco), speaking in exercise of the right of reply, said that his delegation had been surprised by Algeria's statement made in exercise of the right of reply. He wished, therefore, to clarify that in making its statement under item 96, his delegation's goal had been to emphasize the dramatic situation of the Saharan refugees. Its sole intention had been to draw the attention of UNHCR to the principle of voluntary repatriation, in the framework of international guarantees of security, and to request that Algeria should assist UNHCR in that process, in which his Government would be glad to cooperate.

14. Mr. SAHRAOUI (Algeria), speaking in exercise of the right of reply, said that, as confirmed in United Nations documents, Algeria had made a substantial contribution in kind to repatriation operations. It had also been reported, however, that repatriation activities had been delayed because of difficulties connected with the referendum in Western Sahara. There should be no misunderstanding: his country was making its contribution and had been concerned from the start of the conflict about the plight of the Saharan refugees in Algeria.

15. Mr. JESSEN-PETERSEN (Director, Division of External Relations, Office of the United Nations High Commissioner for Refugees), thanking Committee members for the support expressed for the work of UNHCR in the course of the discussion, said that their many useful comments and suggestions would be carefully examined and would help UNHCR to pursue its dialogue with Member States and to refine its future strategy.

16. UNHCR shared the general concern over the deteriorating refugee situation and agreed with the comments in favour of voluntary repatriation as the preferred durable solution and of the need for greater attention to be given to the broader aspect of the economic development of the returnee and host communities. The Office appreciated the expressions of support for the High Commissioner's strategy of prevention, preparedness and solutions. It pledged to continue its efforts to implement the UNHCR Guidelines on Protection of Refugee Women and Children.

17. As had been requested, the High Commissioner intended to continue to coordinate work on behalf of refugees, returnees and displaced persons, while recognizing the need for cooperation and respect for specific agency mandates.

18. On the subject of the questions and comments about the continuing relevance of UNHCR's role in changing refugee situations and the need for flexible approaches, the Office intended to continue to exercise its traditional role, but also to adapt it in the light of new developments; the Office would continue to play its part in country-of-origin solutions, temporary and in-country protection, cross-border operations and related aspects of UNHCR's unique mandate of providing international protection to refugees.

(Mr. Jessen-Petersen)

19. The announcement earlier that day of voluntary contributions by more than 25 countries totalling over $140 million was a further indication of Member States' continued and most welcome support.

Draft resolution A/C.3/47/L.27

20. Mr. SUAZO (Honduras), introducing draft resolution A/C.3/47/L.27 concerning the International Conference on Central American Refugees (CIREFCA) on behalf of the members of the Follow-Up Committee of the Conference and the sponsors, summed up the contents of the draft resolution which, inter alia, noted the achievements of the CIREFCA follow-up process over the previous year. He hoped that it would be adopted by consensus.

Draft resolution A/C.3/47/L.34

21. Ms. LUND (Norway) introduced draft resolution A/C.3/47/L.34 on the continuation of the Office of the United Nations High Commissioner for Refugees (UNHCR) on behalf of the sponsors, which had been joined by Australia, Bangladesh, China, Costa Rica, El Salvador, Ethiopia, Germany, Nicaragua, Panama, Philippines, Poland and Rwanda. In view of the support expressed for the work of UNHCR and the increasing complexity and universality of refugee problems, continuation of the Office was a first, indispensable step towards implementation of the unique humanitarian mandate of the Office. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft decision A/C.3/47/L.35

22. The CHAIRMAN introduced draft decision A/C.3/47/L.35, on war prisoners and persons missing as a result of war in Afghanistan, submitted by the Chairman of the Committee.

AGENDA ITEM 95: NARCOTIC DRUGS (continued) (A/C.3/47/L.28-33)

Draft resolution A/C.3/47/L.28

23. Mrs. DA SILVA (Venezuela), speaking on behalf of the sponsors, which had been joined by the Philippines, introduced draft resolution A/C.3/47/L.28 on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Draft resolution A/C.3/47/L.29

24. Mr. FERNANDEZ (Cuba), speaking on behalf of the sponsors, introduced draft resolution A/C.3/47/L.29 on respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking, and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/47/L.30

25. Ms. ARIAS (Colombia), speaking on behalf of the sponsors, which had been joined by Austria, France, Italy, Spain, Sweden, Turkey and the United Kingdom, introduced the draft resolution on the examination of the status of international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances. The initiative to submit the draft resolution had originally come from Mexico and Colombia. Its purpose was to enable Member States to review experience gained in the fight against drug abuse and trafficking since the adoption of multilateral instruments in that field, as well as the participation and cooperation of United Nations organizations and bodies, now coordinated by the United Nations International Drug Control Programme.

26. The draft resolution proposed that the evaluation of the status of international cooperation should take place in the course of four high-level plenary meetings at the forty-eighth session of the General Assembly, in order to give fresh impetus to the international community's commitment and action to combat the drug problem. Since wide-ranging consultations had been held prior to the submission of the draft resolution, she hoped that it would be adopted by consensus.

Draft resolution A/C.3/47/L.31

27. Mr. KUEHL (United States of America), speaking on behalf of the sponsors, which had been joined by Australia, Belgium, Iceland, Luxembourg and Thailand, introduced draft resolution A/C.3/47/L.31 on implementation of the United Nations System-Wide Action Plan on Drug Abuse Control and the Global Programme of Action. He noted that the adverse impact of illicit drugs was so great that the international community must address the situation on all levels and by all appropriate means. While the United Nations International Drug Control Programme (UNIDCP) played a key role in coordinating the drug-control effort in the United Nations system, every agency involved should include a drug-control dimension in its activities.

28. The draft resolution called for the updating of the Action Plan for consideration by United Nations bodies in 1993. United Nations agencies associated with the Plan were called on to develop agency-specific plans for inclusion in the revised Action Plan. Those agencies could do their part to address drug issues by including the Action Plan in the agendas of their governing bodies. Member States, for their part, must remain committed to the Global Programme of Action and take steps nationally and bilaterally to cooperate in that regard. Governments should insist that United Nations agencies working in their countries must take into account the effect of illicit drugs on their national life and must lend their support through various United Nations agencies in order to ensure that the resolution had an impact.

Draft resolution A/C.3/47/L.32

29. Mrs. AGUILERA (Mexico), speaking on behalf of the sponsors, which had been joined by Belgium, Canada, Denmark, Finland, Germany, Greece, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, the Philippines, Portugal, Sweden, Thailand and Turkey, introduced draft resolution A/C.3/47/L.32, on the United Nations International Drug Control Programme. The main objective of the draft was to increase the effectiveness and efficiency of UNIDCP by ensuring that its administrative and organizational structure was completed. The draft reaffirmed the importance of the role of UNIDCP as the main focus for concerted international action for drug-abuse control within the U ited Nations system. It was hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.33

30. Mr. ORTIZ (Bolivia), speaking on behalf of the sponsors, which had been joined by Azerbaijan, Cameroon, Cyprus, Ghana, Grenada, the Philippines and Vanuatu, introduced draft resolution A/C.3/47/L.33, on international action to combat drug abuse and illicit trafficking. Faced with the magnitude of the drug problem, the international community had no choice but to step up anti-drug efforts at all levels, based on a comprehensive approach.

31. In part I, the draft resolution condemned drug trafficking and urged continued international action, through shared responsibility and with full respect for the sovereignty, territorial integrity and cultural identity of States. It stressed the importance of achieving the objectives of the Decade and requested UNIDCP to study the involvement of children in drug-related criminal activities. UNIDCP was further requested, inter alia, to analyse world-wide trends in illicit trafficking. The draft resolution also appealed to States and donors to increase voluntary contributions to the Fund of UNIDCP.

32. Part II called upon States to implement the Global Programme of Action, and upon the United Nations system and relevant non-governmental organizations to cooperate with States in that regard. It was hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 93: SOCIAL DEVELOPMENT (continued)

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/47/L.16 and L.26)

33. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/47/L.16, entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders". The related programme budget implications were contained in document A/C.3/47/L.26.

34. A recorded vote was taken on draft resolution A/C.3/47/L.16.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

35. Draft resolution A/C.3/47/L.16 was adopted by 97 votes to 1, with 41 abstentions.

36. Mr. IRUMBA (Uganda) expressed appreciation to the countries that had voted in favour of the draft resolution and hoped that those that had voted against or had abstained would continue to support the Institute in order to enable it to carry out its mandate. The statement submitted by the Secretary-General on the programme budget implications was rather misleading because under General Assembly resolution 46/153 the appropriations for the Institute were to cover the whole biennium. The statement fell far short of expectations with regard to available funds for 1993. The programme budget implications seemed to be based on the assumption that there was a balance which would be sufficient to finance the Institute in 1993. His delegation would seek a further clarification from the Secretary-General when the revised appropriations for the current biennium were discussed in the Fifth Committee. According to document A/47/379/Corr.1, the United Nations grant

(Mr. Irumba, Uganda)

amounting to $90,000 had been deleted from the proposed programme budget for 1993 in annex VII of the report of the Secretary-General on the African Institute (A/47/379). His delegation expected to receive further information on projections concerning the proposed programme budget for 1993.

37. Mr. JAAFARI (Syrian Arab Republic), Mrs. KING-ROUSSEAU (Trinidad and Tobago) and Mr. AL-DOUSARI (Qatar) said that, if they had been present for the vote on draft resolution A/C.3/47/L.16, they would have voted in favour.

38. Ms. TERANISHI (Japan), speaking in explanation of vote, said that she had abstained because regional institutes such as the one referred to in the draft resolution under consideration should be financed through voluntary contributions rather than the regular budget. Furthermore, her delegation had difficulty understanding parts of the report of the Secretary-General (A/47/379 and Corr.1). Although several senior posts in the African Institute were still vacant, those posts and the activities of the Institute continued to be budgeted. While the statement submitted by the Secretary-General in document A/C.3/47/L.26 partly clarified why that had happened, Japan felt that the discrepancy in question should be corrected as soon as possible.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/544; A/C.3/47/L.20/Rev.1 and L.25)

39. The CHAIRMAN invited the Committee to turn its attention to draft resolution A/C.3/47/L.20/Rev.1, on the report of the Secretary-General concerning a request to the United Nations to observe the referendum process in Eritrea. The programme budget implications were contained in document A/C.3/47/L.25.

40. Mr. BRITO (Brazil) said that the Secretary-General's report (A/47/544) involved questions that went beyond the Committee's sphere of competence. It was essential therefore that action by the Committee should be based on reliable information and considered deliberation.

41. In view of its past performance in the field of electoral assistance, the United Nations appeared to be effective in helping local authorities to organize elections and to ensure appropriate standards of fairness and freedom. Three main reasons led his delegation to endorse the draft resolution under consideration. First, his country wished to help resolve the problems in that region of Africa through a democratic and peaceful process, which responded to the will of the people and laid the groundwork for economic and social development. Secondly, the Secretary-General appeared to be fully satisfied that all the parties concerned were in favour of the referendum and the manner in which it would be held. Thirdly, members of the African Group,

(Mr. Brito, Brazil)

whose views merited special attention, had endorsed the Secretary-General's recommendations regarding the establishment of a United Nations observer mission.

42. The Secretary-General's report concerning the establishment of a United Nations Observer Mission to Verify the Referendum in Eritrea (UNOVER) (A/47/544), included a number of proposals which might have a bearing on future activities in the field of electoral assistance. In that connection, he wished to draw attention to the proposed composition and personnel structure of the observer mission. According to the report, international observers would be recruited from selected non-governmental organizations in Eritrea and neighbouring countries. While it understood the arguments in favour of recruiting local personnel, his delegation did not believe that limiting recruitment to NGO staff was warranted on either technical or political grounds. NGO membership did not, in itself, guarantee that the individual in question had the necessary expertise to participate in the mission.

43. The report had also referred to "volunteers" in connection with personnel costs for both travel and subsistence payments; it would be appropriate to state exactly who those volunteers would be. The use of the expression "observers from Member States" should also be clarified; it was his assumption that the difference between such observers and other members of the mission was simply a matter of costs to be incurred. In that same connection, it was not clear why observers from Member States would be chosen only from the European and North American States; other regions, Africa in particular, would be equally entitled to participate.

44. Draft resolution A/C.3/47/L.20/Rev.1 was adopted.

45. Ms. MANIMEKALAI (India), speaking in explanation of her Government's position on draft resolution A/C.3/47/L.20/Rev.1, said that her delegation had joined the consensus in view of the fact that the request for a United Nations observer mission had come from the Government of Ethiopia and that observers from African States would be involved. Her delegation was, however, concerned about the safety and security of mission personnel because of indications that support for United Nations involvement was not unanimous.

46. With regard to financing, it was the understanding of her delegation that the observer mission would be funded entirely through voluntary contributions.

47. Mr. TROTTIER (Canada) said that his Government strongly supported the proposed observer mission. However, it believed that United Nations electoral assistance should be considered an expense of the Organization under Article 17, paragraph 2, of the Charter of the United Nations. In view of the importance of the mission, the United Nations would not be adequately served if the financing was left entirely to voluntary contributions.

48. Mr. SCHUTTE (Germany) said that his Government was convinced of the paramount importance of the referendum and welcomed United Nations involvement. His Government wished to reiterate its view that United Nations activities in the electoral field should be financed through the regular budget. His delegation therefore reserved the right to take up the issue of UNOVER financing at the time of its consideration by the Fifth Committee.

49. Ms. FOSTIER (Belgium) said that her delegation endorsed the efforts of the Secretary-General to assist countries in carrying out free and fair elections, which helped ensure political pluralism, democracy and human rights. Her country thus supported the establishment of UNOVER. It believed that, in principle, such an operation should be financed through the regular budget. However, given the urgency of the situation in Eritrea, it would endorse, as an exception, financing through voluntary contributions.

50. Mr. LAPOUGE (France) said that his Government fully endorsed the establishment of UNOVER and welcomed the adoption of draft resolution A/C.3/47/L.20/Rev.1. It did not, however, agree with the proposed financing modalities set forth in document A/C.3/47/L.25. Activities related to peace-keeping or human rights, including electoral assistance operations, should, in principle, be financed through the regular budget. Prolonged dependence on voluntary contributions could undermine certain operations and encourage situations in which financing was determined by donor-country preference.

51. UNOVER should include technical assistance, which could be coordinated by the United Nations Development Programme.

52. Mr. BABADOUDOU (Benin) said that his country had joined the consensus on draft resolution A/C.3/47/L.20/Rev.1. However, establishment of the mission did not imply any violation of the principle of the inviolability of territorial boundaries, enshrined in the Charter of the Organization of African Unity.

53. Mr. KUEHL (United States of America) said that he wished to thank the Chairman for facilitating the adoption of the resolution, which his delegation had strongly supported. His Government continued to believe that electoral assistance should be financed by means of voluntary contributions and hoped to make its own contribution.

54. Mr. YUAN Shoucheng (China) said that in accordance with its Charter, the United Nations was not mandated to assist in the internal electoral affairs of States. Nevertheless, his Government had no objection to United Nations involvement in an electoral process as long as the parties involved had so requested. It had, therefore, joined the consensus on the draft resolution.

55. He wished, however, to point out an inconsistency in the texts relating to electoral assistance. Paragraph 3 of document A/47/544 and paragraph 2 of document A/C.3/47/L.25 referred to the Electoral Assistance Unit of the

(Mr. Yuan Shoucheng, China)

Department of Political Affairs. However, in General Assembly resolution 46/137, reference was made only to a focal point; there was no specific mention of such a unit.

56. It was indicated in paragraph 2 of document A/C.3/47/L.25 that, pursuant to General Assembly resolution 46/137, resources had been made available for an Electoral Assistance Unit to begin functioning, and that subprogramme 4, relating to electoral assistance, had been "incorporated in the revisions to the medium-term plan for the period 1992-1997, recommended by the Committee for Programme and Coordination for adoption by the General Assembly at its current session". That was, however, inaccurate: the fact was that, at its session in September 1992, that Committee had been unable to reach agreement on subprogramme 4.

57. Ms. TERANISHI (Japan) said she wished to reiterate her delegation's basic position that United Nations electoral assistance activities should be financed through extrabudgetary funds. Her delegation reserved the right to consider the matter in greater detail when the financing of UNOVER was considered by the Fifth Committee.

58. Mr. BIGGAR (Ireland) said that his delegation fully supported the establishment of UNOVER and welcomed the adoption of draft resolution A/C.3/47/L.20/Rev.1. Throughout its consideration of that matter, his delegation's primary concern had been to ensure the safety and security of the observer mission staff. It therefore understood the expression "authorities directly concerned", contained in paragraph 4 of resolution A/C.3/47/L.20/Rev.1, to refer to the de facto authorities in Eritrea and the transitional Government of Ethiopia. It also understood the expression "fullest cooperation", in that same paragraph, to include the duty to provide adequate protection to the members of the mission.

59. His delegation held the view that electoral assistance activities should be funded through the United Nations regular budget.

The meeting rose at 5.30 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Tuesday, 17 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. KRENKEL (Austria)

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Distr. GENERAL
A/C.3/47/SR.42
7 December 1992
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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, A/47/41, A/47/44, A/47/427, A/47/428, A/47/429, A/47/518, A/47/628 and A/47/632)

1. Mr. RICHARDSON (United Kingdom), speaking on behalf of the European Community and its member States, said that the promotion and protection of human rights was one of the fundamental tenets of the United Nations. While their embodiment in the United Nations Charter and the Universal Declaration of Human Rights and their codification in international instruments and the various rules of international law represented considerable progress, at least in theory, that should not be considered sufficient. It was the duty of the international community to give practical effect to the protection of human rights by monitoring the implementation of the various human rights instruments. The Twelve reaffirmed that such monitoring in no way constituted interference in the internal affairs of States. It was also the duty of the international community to secure universal adherence to the instruments relating to human rights. That was one of the objectives laid down by the General Assembly for the World Conference on Human Rights to be held in 1993. The Twelve welcomed the increase in the number of States parties to the various human rights instruments, particularly the two International Covenants. It strongly urged those States which had not already done so to accede to or ratify those instruments, States which had made reservations contrary to their spirit to consider withdrawing them.

2. A proliferation of human rights standards could eventually dilute the effectiveness of existing treaties and weaken the universal principles on which they were based. Thus, future standard-setting activities should be limited to those areas which commanded broad consensus, and the guidelines set out in General Assembly resolution 41/120 should be applied when the drafting of new instruments was being considered.

3. Under the rules of international law and the United Nations Charter, all States were accountable to the international community for the protection of the fundamental human rights of all persons under their jurisdiction. But their responsibility did not end there: they had a further responsibility to uphold the obligations which they had freely undertaken by adhering to the human rights instruments, and to submit to supervision by the international treaty bodies. The European Community and its member States could not stress too strongly that the proper and effective functioning of those bodies was crucial to the enhancement of human rights and of the awareness of Governments of the need to respect their obligations.

4. One way to improve the functioning of the monitoring bodies would be for all States parties to submit full and timely reports, as they were required to do. Admittedly, the drafting of such reports involved a great deal of work,

(Mr. Richardson, United Kingdom)

but each State should nevertheless fulfil its obligations. The Twelve noted with concern that a very large number of States did not submit their reports, even initial reports, on time, or did not comply with the guidelines for such reports. They welcomed the Secretary-General's efforts, pursuant to General Assembly resolution 45/85, to improve those procedures. They also welcomed the innovation of a "core" document proposed by the Centre for Human Rights and the publication of a manual on human rights reporting by the United Nations Institute for Training and Research (UNITAR) in 1991.

5. The European Community and its member States also attached importance to the provisions of the international human rights instruments permitting individuals to submit complaints. The proper and timely handling of such complaints had a key role to play in obtaining justice for the victims of human rights abuses.

6. Another way to improve the functioning of the human rights treaty monitoring bodies would be to ensure that States parties met their financial obligations in full and on time. If the treaty monitoring bodies lacked the financial resources necessary for their operation, their effectiveness would be diminished. It was not in the interest of any State for those bodies to be forced to postpone or curtail their sessions because States parties had not paid their financial assessments on time. The Twelve therefore welcomed the initiative taken recently by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to request the General Assembly to fund the meetings of their human rights treaty monitoring bodies from the regular budget of the United Nations. They urged the General Assembly to implement that recommendation, and all States parties to those Conventions to meet their financial obligations and to pay their arrears.

7. Referring to the Convention on the Rights of the Child which, together with the Second Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, was one of the three new instruments adopted by the United Nations in recent years, he said that the Twelve welcomed the recommendation by the States parties that the Committee on the Rights of the Child should meet twice a year and should also establish a pre-sessional working group to review reports from States parties. Those recommendations reflected the encouraging interest shown by the international community in that new Convention.

8. The workload of the human rights treaty monitoring bodies was crushing. The effectiveness of those bodies was sometimes impaired by the fact that, in many cases, experts had neither the time nor the resources needed to carry out independent research in order to make a thorough examination of the reports submitted by States parties. Those problems must be rectified. Care should also be taken to ensure that the inquiries conducted by the various committees

(Mr. Richardson, United Kingdom)

concerned with human rights did not overlap and that their findings were put to proper use. Those Committees must also make greater efforts to bring their findings to the attention of the citizens of the countries whose reports had been examined.

9. Experts from the committees concerned with protecting human rights had already identified some of those shortcomings and proposed remedies, most notably Professor Alston in his comprehensive study on the effective implementation of human rights (A/44/668). The European Community and its member States looked forward to seeing an updated version of the report. They had also followed closely the regular meetings of the chairpersons of the treaty monitoring bodies, noting with special interest the latter's endorsement of the Secretary-General's proposal aimed at bringing to the attention of the Security Council massive violations of human rights and their recommendations that a member of one of the treaty bodies should be appointed to serve on the commission of experts considering evidence of grave breaches of international humanitarian law in the former Yugoslavia.

10. The World Conference on Human Rights to be held in 1993 offered an unparalleled opportunity to strengthen the treaty supervisory system. In the meantime, some improvements could still be made on the initiative of individual committees and the Centre for Human Rights. Two examples were worthy of mention. First, the Committee on the Elimination of Racial Discrimination, confronted with the problem of long overdue reports from some countries, had decided to proceed with the examination of their human rights record based on existing available information. The Committee on Economic, Social and Cultural Rights had adopted a similar procedure for States which had failed to respond to a final request from the Secretary-General for submission of an overdue report. Secondly, the Human Rights Committee, making increased use of its powers under article 40.1 (b) of the International Covenant on Civil and Political Rights, had called for reports in order to monitor particularly serious situations. The Committee on the Elimination of Racial Discrimination had also adopted that practice. The European Community and its member States considered that the possibility of other treaty monitoring bodies adopting similar measures should be further explored.

11. The Community and its member States continued to attach the greatest importance to the fight to prevent torture, and applauded the work of the Committee against Torture and its Special Rapporteur. They welcomed the recent meeting in Geneva of a working group to consider the question of a draft optional protocol to the Convention against Torture and hoped that those efforts would continue. Until the odious practice of torture had been stamped out, the international community had a duty to continue caring for its victims. In that regard, the European Community and its member States wished to highlight the numerous projects made possible by the Voluntary Fund for Victims of Torture.

12. Mr. LE LUONG MINH (Viet Nam), speaking in exercise of the right of reply, said that he wished to make certain clarifications concerning the statement

(Mr. Le Luong Minh, Viet Nam)

recently made by the representative of Thailand under agenda item 96. The problem of Indo-Chinese refugees affected all countries in South-East Asia, particularly, as had long been the case, those which were the first place of refuge. In order to resolve the problem, the Vietnamese Government and people had made great efforts to prevent illegal departures and to receive and reintegrate Vietnamese returnees. Those efforts had been acknowledged by the United Nations High Commissioner for Refugees (UNHCR) and by the entire international community. Moreover, the action of the Vietnamese Government and people had been supported by UNHCR and the countries concerned, including Thailand. He himself had had occasion to discuss the issue with Thai colleagues.

13. Further, Viet Nam's relations with the Association of South-East Asian Nations (ASEAN) and with Thailand had developed significantly in recent years. In particular, Viet Nam had acquired observer status at ASEAN and had recently signed the Treaty on Friendship and Cooperation in South-East Asia. Viet Nam was also one of the first countries to have sponsored the draft resolution on that Treaty, which had just been adopted by the First Committee.

14. Consequently, the Vietnamese delegation failed to understand the motivation behind the statement made by the Thai representative, which reflected neither the good relations established between Viet Nam and Thailand, nor the constructive attitude displayed by most delegations participating in the discussion on the refugee problem. In addition, his delegation believed that the problem, being humanitarian in nature, should be dealt with in a humanitarian way; any attempt to politicize the issue was unacceptable. It strenuously rejected the allegations made by the representative of Thailand in his statement.

The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

15. The CHAIRMAN introduced Mrs. Rigoberta Menchu, the 1992 winner of the Nobel Peace Prize. Mrs. Menchu, a Guatemalan, had devoted herself to the cause of the Quichu tribe, indigenous peoples in general and human rights. Aged 33, she had lived in Mexico since 1981. Her autobiography had been translated into 12 languages. She actively participated in the activities of the Working Group on Indigenous Populations, which had, in particular, led to the decision to declare 1993 as the International Year for the World's Indigenous People.

16. The jury that awarded the Nobel Peace Prize had described Mrs. Menchu as a living symbol of peace and reconciliation between ethnic, cultural and social groups in her country, on the American continent and world wide.

17. Mrs. RIGOBERTA MENCHU (Winner of the 1992 Nobel Peace Prize) said that she was happy and proud that the Nobel Peace Prize had given a Guatemalan woman, who was a member of an indigenous community, the opportunity to speak before the Third Committee, whereas 10 years earlier, she had barely been

(Mrs. Rigoberta Menchu)

permitted to plead in the corridors, peddling, so to speak, the cause of her oppressed brothers and sisters. She welcomed the fact that the question of human rights, of which the rights of indigenous peoples were a vital aspect, had a pivotal place in international relations, as attested in particular by the organization of the World Conference on Human Rights to be held in 1993 in Vienna. She recognized the importance of the guiding principles aimed at ensuring full respect for human rights which had been endorsed by the vast majority of United Nations Member States. She believed, however, that much remained to be done and deplored the fact that, in practice, the implementation of such standard-setting texts left much to be desired: millions of human beings were still deprived of their civil and political rights, and many more of their economic, social and cultural rights. Many of those who had been active in defending those rights had been murdered or "disappeared".

18. As the representative of the victims of oppression and discrimination, she regarded it as her duty to criticize the shortcomings of the United Nations which restricted the application of existing human rights standards. One factor which had contributed to restricting their application was the cold war: by crystallizing relations between States and social forces, it had paralysed the human rights community. Despite the fact that it had now become anachronistic, that situation was being perpetuated by conflicts which pitted rich countries against poor countries and led to serious human rights violations. The fall of the Berlin Wall had left intact other walls which presented an obstacle to change.

19. The increasingly marked politicization of the human rights debate in the United Nations undermined the cause of human rights and sapped the credibility of the United Nations. It was imperative to fight that tendency before non-governmental organizations and the representatives of victims demanded such action at the World Conference on Human Rights.

20. Another cause for concern was the fact that the United Nations gave preferential treatment to Governments over the people who suffered the consequences of their repressive policies. Too often rhetoric, legislation (even if not enforced) or some other symbolic measure sufficed for an oppressor Government to be exonerated in the eyes of the international community. Discussions at the United Nations had been going on for decades, while oppressed peoples had yet to see the light at the end of the tunnel. Nothing could excuse a State from its duty to honour the commitments it had undertaken by accepting the International Bill of Human Rights. It was essential that the international community assume its collective responsibility and in future address victims as a priority. When only the opinions of Governments were taken into consideration, even the best projects and programmes were vain efforts. Similarly, human rights advisory services had been diverted from their purpose and were in fact providing Governments which had either committed or tolerated serious human rights violations not only with resources but with an alibi as well.

(Mrs. Rigoberta Menchu)

21. At the forthcoming World Conference on Human Rights, it was vital that non-governmental organizations, which represented the interests of peoples, be adequately represented, as it was easier for them than for Member States of the Organization to denounce the shortcomings of the United Nations and to speak on behalf of victims.

22. She welcomed the decision to proclaim an International Year for the World's Indigenous People, which was the result of efforts of the Third Committee and its Working Group on Indigenous Populations, the NGOs, and, of course, the populations themselves. While it was true that in the area of human rights in general the United Nations had done a great deal of standard-setting work, that was not the case for the rights of indigenous populations. However, progress was being made in that area, in particular in the Working Group on Indigenous Populations. It was hoped that the universal declaration on the rights of indigenous populations, currently in draft form, would be officially adopted in 1993.

23. The Third Committee should appeal to countries to ensure that the International Year for the World's Indigenous People was not merely a symbolic proclamation but marked the beginning of a new era for those people within the United Nations system.

24. The Nobel Peace Prize conferred on her a mission to promote peace and the rights of indigenous populations. The only way to find political solutions to the internal conflicts raging in many countries of the world, including Guatemala, was to address their fundamental historical and structural causes. Her role was to open up opportunities for the indigenous populations and their representatives so that they could freely express their demands and aspirations.

25. As the twenty-first century approached, populations who for 500 years had been demanding that their rights and identity be respected were fighting a dynamic struggle that could not be shrouded by those who wished to perpetuate regimes of oppression and discrimination. The problems overwhelming Guatemala and many other Latin American countries could not be solved without the full participation of the indigenous populations who in turn needed the cooperation of the rest of society.

26. Ethnic pluralism and cultural diversity were basic characteristics of countries such as Guatemala where indigenous populations were the majority. These populations' conception of the world, language, social structure, relationship with nature and, in short, their history deserved to be recognized and respected.

27. Those values were not static; the roots of a people needed to expand and flourish: attachment to one's roots did not signify excessive attachment to the past or immobility. Indigenous communities were full of vitality. What they were defending above all was the concept of community, which was a key to development.

(Mrs. Rigoberta Menchu)

28. Recognition of the economic, social, cultural, civil and political rights of indigenous populations should not be symbolic, but should be reinforced through the existence of truly representative local authority.

29. The key to development lay in the indigenous peasant communities. Far from opposing modernization and agricultural development, those communities were the depositories of knowledge that would be an important asset in adapting to intensive production suited to environmental requirements. Far from being anchored to underdevelopment, they possessed the potential for the harmonious development of human beings, based on traditions of solidarity and cooperation and on an original vision of democracy.

30. Indigenous languages and religions were an integral part of their history; as an expression of their culture, they should be practised without restriction and should not be used as a pretext for the marginalization of indigenous populations.

31. The demand for autonomy was another key element in the struggle for the full exercise of the rights of indigenous populations. It presupposed direct and complete political representation at the local, regional and national levels, without prejudice to national unity.

32. For the past five centuries indigenous populations had been robbed of their lands; in claiming their rights to those lands, they were joining their non-indigenous brothers, all born of the same mother, Earth.

33. It was hoped that the celebration of the International Year for the World's Indigenous People would go down in history as the beginning of the liberation of those populations.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued)

(c) HUMANITARIAN QUESTIONS (continued)

Draft resolution A/C.3/47/L.36

34. Ms. LUND (Norway) introduced draft resolution A/C.3/47/L.36, entitled "Office of the United Nations High Commissioner for Refugees", on behalf of its sponsors, to which Bulgaria, Costa Rica and the Philippines had been added. She noted that in paragraph 17, the word "Underlines" should be

(Ms. Lund, Norway)

replaced by the words "Takes note of" and the words "urges the High Commissioner" by the words "encourages the High Commissioner".

35. The draft resolution firmly supported the High Commissioner's strategy of prevention, preparedness and solutions in meeting the many problems posed by the refugee situation. It reaffirmed the institution of asylum and respect for international protection principles and welcomed the High Commissioner's strengthened efforts to explore protection and assistance strategies aimed at preventing refugee outflows and addressing root causes. In view of the increasing magnitude of refugee problems, it emphasized the need for States to assist the High Commissioner in finding durable solutions, such as voluntary repatriation, based on respect for fundamental freedoms and human rights. It also underlined State responsibility, particularly as it related to the countries of origin, for addressing root causes and facilitating voluntary repatriation of refugees. It called upon all States and relevant organizations to support the High Commissioner in promoting conditions conducive to voluntary return in safety and dignity. It also stated that basic reintegration assistance should be complemented by broader development initiatives focused on areas of return.

36. It welcomed the progress made in implementing the Guidelines on the Protection of Refugee Women, as well as the appointment of a Senior Coordinator for Refugee Children and the High Commissioner's proposal to appoint an Environmental Coordinator.

37. It strongly deplored ethnic and other forms of intolerance, which were one of the major causes of forced migratory movements, as well as persistent problems in some countries or regions that seriously jeopardized the security and well-being of refugees.

38. It also expressed concern regarding xenophobia and racist attitudes in segments of the population in a number of countries receiving refugees and asylum-seekers.

39. It expressed deep appreciation for the generous humanitarian response of receiving countries, in particular those developing countries that, despite limited resources, continued to admit large numbers of refugees. Lastly, it recalled the urgent necessity for international solidarity and greater burden-sharing among donors.

40. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

Draft resolution A/C.3/47/L.37

41. Mr. SUKAYRI (Jordan), introducing draft resolution A/C.3/47/L.37 on behalf of the sponsors, said that the text was the result of combining two resolutions adopted without a vote by the General Assembly at its forty-fifth session: resolutions 45/101 and 45/102. Since the objectives of those two

(Mr. Sukayri, Jordan)

resolutions were the same, the sponsors had thought it appropriate to submit a single draft resolution summarizing the basic elements. With the exception of a few drafting changes and the elimination of certain repetitive passages, the text of the draft resolution was identical to that of the resolutions adopted by the General Assembly at its forty-fifth session. In paragraph 2, the General Assembly invited Governments as well as governmental and non-governmental organizations to provide the Secretary-General with their comments on the new international humanitarian order. His delegation wished to emphasize how important it was for the Secretary-General to have the views of all Member States on that question. The first step in establishing a new international humanitarian order was to identify exactly what it should consist of.

42. Some delegations had inquired about the report of the Independent Commission on International Humanitarian Issues. He wished to inform them that the Commission's report, noted by the General Assembly in its resolution 42/120, had been published in English under the title Winning the Human Race and had been translated into Arabic, French, Japanese, Russian and Spanish.

43. The sponsors hoped that draft resolution L.37 would be adopted by consensus.

44. Mr. THEVERMANN (Austria) introduced draft resolution A/C.3/47/L.38, entitled "Assistance to Refugees, Returnees and Displaced Persons in Africa", on behalf of the 32 sponsors, who had now been joined by the Central African Republic, Cuba, Finland, Germany, Liberia, Malawi, New Zealand and Sweden. He said that, in the sixteenth preambular paragraph, the word "externally" should be inserted before the words "displaced persons" and that, in the eighteenth preambular paragraph, the words "the Office of" should be deleted.

45. The draft resolution was the result of the fruitful and constructive work of a number of delegations of African countries and other interested delegations. It commended the States for the sacrifices they had made, for providing assistance to refugees and for the efforts they were making to find durable solutions to their plight. It also expressed appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other humanitarian organizations for their assistance. It underlined the need to facilitate the work of humanitarian organizations and to guarantee the safety of their personnel. It appealed to Member States, international organizations and non-governmental organizations to provide adequate and sufficient assistance for relief and rehabilitation programmes for large numbers of refugees, voluntary returnees and displaced persons, both in rural and in urban areas, with particular attention to the special needs of refugee women and children. It requested the Secretary-General to submit a comprehensive and consolidated report to the General Assembly at its forty-eighth session, as well as an oral report to the Economic and Social Council. Given the extensive consultations that had preceded the submission of the draft resolution, he hoped that it would be adopted without a vote.

46. Mr. AL-KINDI (United Arab Emirates) said that his delegation had been unable to participate in the vote on draft resolution A/C.3/47/L.16 at the 41st meeting. If it had been present, it would have voted for the proposed text.

The meeting rose at noon.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
43rd meeting
held on
Wednesday, 18 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. KRENKEL (Austria)

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AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued)

(c) HUMANITARIAN QUESTIONS (continued)

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A/C.3/47/SR.43
3 December 1992

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632 and 662)

1. Mr. SAVLE (Slovenia) said that his delegation noted with satisfaction the growing importance of international treaties in the field of human rights, as reflected by the increasing number of ratifications or accessions, and welcomed the efforts to assist States in fulfilling their reporting obligations.

2. Slovenia was bound by its Constitution to ensure respect for human rights. Slovenia's entry into the Council of Europe, scheduled for 1993, meant that it would very likely be undertaking additional obligations in the field of human rights. Immediately following its independence, his country had become party to five international instruments on human rights, thereby ensuring continuity of the legal regimes involved. It planned to accede in the near future to the remaining two.

3. It was encouraging that so many States had, in the short time since its entry into force, ratified or acceded to the Convention on the Rights of the Child, which embodied a comprehensive social policy for the protection and development of children. At the same time, the specialized agencies and non-governmental organizations should be encouraged to participate in the work of the Committee on the Rights of the Child. His delegation supported the Committee's recommendations, endorsed by the General Assembly in its resolution 46/112, that as from 1993 at least two regular sessions of the Committee, lasting for two or three weeks, should be scheduled annually and that a pre-sessional working group should be established for a preliminary review of reports from States parties.

4. His delegation appreciated the innovative work of the Human Rights Committee, in particular its decision to adopt concluding comments on States' reports reflecting the views of the Committee as a whole, to be transmitted to the State party concerned and reflected in the Committee's annual report to the General Assembly. In addition to its general comments on articles 7 and 10 of the International Covenant on Civil and Political Rights and on issues relating to reservations with regard to the Covenant and the Optional Protocol, the Committee should finalize or decide to draft comments on other articles, including article 27 on the rights of persons belonging to ethnic, religious or linguistic minorities.

5. It was unfortunate that despite the large number of ratifications of the International Covenant on Economic, Social and Cultural Rights, many States parties had not met their reporting obligations. His delegation accordingly supported the recent decision of the Committee on Economic, Social and

(Mr. Savle, Slovenia)

Cultural Rights that in the case of States parties with overdue reports, it would base its considerations on any relevant information available. Much of that information could be provided by United Nations organs and specialized agencies, and that called for inter-agency cooperation. His delegation also endorsed the Committee's plan to discuss how economic and social indicators might be used in assessing the level of enjoyment of economic, social and cultural rights.

6. The efforts of the Committee against Torture should be action-oriented, involving changes in national legislation as well as practical measures. His delegation endorsed the amendments to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which had been proposed at the meeting of States Parties to the Convention in September 1992 and were designed to provide a more sound financial basis for the Committee.

7. Enforced disappearances were a violation of human rights and systematic application of that practice could be considered a crime against humanity. Adoption by the General Assembly of the draft declaration on the protection of all persons from enforced disappearance (A/47/434, annex) would be a significant step in combating that practice.

8. The increase in United Nations membership had important implications for the implementation of the International Covenants on Human Rights. The United Nations must ensure that the emergence of new States would not lower in any way existing human rights standards. Even if they had not ratified or acceded to the Covenants, those States should be considered as inheriting the obligations arising from such instruments. In that manner, democracy in those States would be safeguarded throughout the difficult transition to a market economy.

9. His Government supported the efforts of the Centre for Human Rights and other United Nations bodies to rationalize and improve reporting procedures. Noteworthy in that connection was the manual on human rights reporting which, along with training courses, advisory services and technical assistance, would be of great help to new Member States as they prepared their initial reports.

10. For the future, it was important to envision new ways of monitoring the human rights situation around the world, using the highest standards of professional competence and objectivity. One possible solution, in which his country was willing to take an active part, was the establishment of an international human rights court with compulsory jurisdiction. He noted in closing that respect for human rights was a precondition for the maintenance of international peace and security.

11. Ms. BAIARDI (Paraguay) said that her Government had taken steps to accelerate the process of putting the major international human rights instruments into force in the national territory. In June 1992 it had ratified the two International Covenants on Human Rights.

(Ms. Baiardi, Paraguay)

12. Following the recent collapse of ideological barriers to the full enjoyment of fundamental human rights in many regions of the world, it seemed that new barriers of religion and race were now being erected. Her delegation called on all parties to conflicts to respect the fundamental human rights of every human being and to apply the International Covenants. Having recently instituted a democratic system, her country was now seeking to strengthen and consolidate it for the benefit of present and future generations. Paraguay saw the implementation of international human rights instruments as the cornerstone of that effort. In June 1992, it had promulgated a new Constitution enshrining the protection of human rights and fundamental freedoms. Its provisions included the abolition of the death penalty and the prohibition of torture or other inhuman treatment, including genocide. The new Constitution required the State to promote the quality of life through policies to combat extreme poverty and disability and to promote economic and social development and environmental preservation.

13. Her delegation supported the convening of the World Conference on Human Rights in 1993, and called on the international community to implement fully the international human rights instruments.

14. Mr. PETERS (Netherlands) said that the international instruments on human rights had proved to be a success: a large number of States were party to those instruments and had incorporated the norms in their national policies. Yet, the success of the system had brought with it a substantially increased workload - more reports from States parties, a growing number of communications, and more sources of information on human rights at the national level - all of which required a more integrated approach. Many treaty bodies were simply not equipped to handle the new demands. Having previously given express recognition to its responsibility to ensure the proper functioning of the human rights treaty bodies, the General Assembly did not need to make new policy decisions on that matter.

15. The current situation clearly called for an increase in resources to respond to the growing workload. Treaty bodies needed more personnel, adequate meeting time and better overall organization. His delegation accordingly supported the request of the Human Rights Committee for an increase in specialized staff. It also endorsed the proposal to establish a treaty body resource room as a repository for reports and related information and welcomed recent initiatives to strengthen the management of the Centre for Human Rights.

16. There had been substantial progress in universalizing the human rights instruments. Between August 1990 and September 1992, the total number of States parties to the main instruments had increased by over one third, and, currently only a small minority of States, most of them newly independent, were not party to any of those instruments. The Secretary-General's attempt to gather information from States on obstacles to ratification or accession had not met with much success. Therefore, legislators and national organizations, which could seek assistance from the advisory services

(Mr. Peters, Netherlands)

programme of the Centre for Human Rights, would have to take the initative and persuade their Governments to ratify or accede to the human rights treaties.

17. On becoming party to a treaty, a State had the right to make specific reservations. Like other States, the Netherlands had adopted a policy of entering objections against reservations which it could not accept as part of the treaty relationship. Assuming that States should all have the same obligations under international law and that a large number of reservations undermined the universality of the norms embodied in a treaty, it was logical that States should be discouraged from making reservations. A number of bodies were endorsing that view. In its resolution 46/113, the General Assembly had appealed to States parties that had made reservations to the International Covenants on Human Rights to consider whether such reservations should be reviewed. Recently, the meeting of persons chairing the human rights treaty bodies had noted that the number, nature and scope of the reservations made to the principal human rights treaties were cause for alarm; his delegation had noted with interest the meeting's recommendations in that regard.

18. The practice by treaty bodies of drafting general comments was another way to ensure universal awareness of human rights obligations. His delegation appreciated the publication of those comments in a single document but would have preferred a more durable format. It might be appropriate in future for treaty bodies to comment on the issues of street children and indigenous populations and, in that connection, his delegation was looking forward to the completion by the Human Rights Committee of its comments on article 27 of the International Covenant on Civil and Political Rights, which dealt with the rights of minorities. His delegation also shared that Committee's view that corporal punishment was covered by article 7 of the Covenant. The Committee had also rightly drawn attention to the importance of adequate information, instruction and training for enforcement personnel, medical staff and police officers for the purpose of curbing torture. It had considered that the granting of amnesty in respect of acts of torture was generally incompatible with the duties of States under international law.

19. His country had always believed that economic, social and cultural rights should be translated into action. It thus welcomed the general comment on the right to housing made by the Committee on Economic, Social and Cultural Rights, including its conclusion that individuals as well as families should be entitled to adequate housing without any form of discrimination. That Committee had identified a number of factors to be taken into account and had listed certain aspects for which there might be domestic legal remedies. It was to be hoped that the Committee's views would be studied throughout the United Nations system. A comprehensive overview was also provided by the working paper on the right to adequate housing submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities. From the debate on that topic in the Subcommission, it was clear that many violations of the right to housing appeared to be attributable to a Government's choice of policy options rather than a lack of resources.

20. Mrs. SYAHRUDDIN (Indonesia) said that the implementation of the human rights instruments was an effective means of promoting political, economic and social development. The Convention on the Rights of the Child emphasized the importance of economic, social and cultural rights as essential components of human rights and fundamental freedoms. Having recently ratified the Convention, her country was combining ongoing national development programmes with the activities initiated as a follow-up to the World Summit for Children. The Government had established a working group on the promotion of children's welfare to consider the setting up of an information system on that subject. In addition to the physical health and development of children, attention was also focused on enabling children to develop in a safe environment, free from exploitation and labour. The problem of child labour could not be solved by adopting legislation. There was also a need for renewed emphasis on social and economic development programmes in the developing countries.

21. The Committee on the Rights of the Child would have to consider the initial reports of approximately 100 States parties during the period 1992 to 1996. In the light of the experience of other treaty-monitoring bodies, she stressed the need to provide that Committee with adequate resources and time to cope with its heavy workload.

22. In its resolution 1992/43, the Commission on Human Rights had decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Her delegation looked forward to considering the results achieved by the working group at the forthcoming session of the Commission. Lastly, she stressed that the implementation of human rights instruments should be undertaken with due regard to the historical, cultural and socio-economic characteristics of States parties. Through cooperation, their implementation would protect human rights and promote general progress.

AGENDA ITEM 95: NARCOTIC DRUGS (continued) (A/C.3/47/L.28-L.33)

Draft resolution A/C.3/47/L.28

23. The CHAIRMAN said that Belize, Guinea-Bissau, India, Myanmar and the Russian Federation had joined the sponsors.

24. Draft resolution A/C/3/47/L.28 was adopted.

Draft resolution A/C.3/47/L.29

25. The CHAIRMAN said that Myanmar and the Philippines had joined the sponsors.

26. Draft resolution A/C.3/47/L.29 was adopted.

Draft resolution A/C/3/47/L.30

27. The CHAIRMAN said that Egypt, the Philippines, the Russian Federation and Ukraine had joined the sponsors.

28. Ms. ARIAS (Colombia) said that in paragraph 1 (a) of the draft resolution the phrase "by Member States" should be inserted after the word "implementation" and that in paragraph 1 (c) the word "and" should be replaced by the word "or".

29. Draft resolution A/C.3/47/L.30, as orally revised, was adopted.

Draft resolution A/C.3/47/L.31

30. The CHAIRMAN said that Cameroon, Côte d'Ivoire, Cuba, Egypt, Guinea-Biseau, Italy, Myanmar and Samoa had joined the sponsors.

31. Mr. MORA GODOY (Cuba) said that, although his delegation had joined the consensus on the draft resolution, the text, particularly in paragraph 5, dealt with questions which fell within the mandate of the Fifth Committee. In future, the Third Committee should only consider matters that came under its own mandate. His delegation reserved the right to return to that question in the Fifth Committee.

32. Draft resolution A/C.3/47/L.31 was adopted.

Draft resolution A/C.3/47/L.32

33. The CHAIRMAN said that Australia, Belize, Côte d'Ivoire, Egypt, Nicaragua, Nigeria, Norway, the Russian Federation, Samoa and Uruguay had joined the sponsors.

34. Draft resolution A/C.3/47/L.32 was adopted.

Draft resolution A/C.3/47/L.33

35. The CHAIRMAN said that Antigua and Barbuda, Côte d'Ivoire, Haiti, India, Madagascar, Nigeria, Saint Kitts and Nevis, Uganda and Ukraine had joined the sponsors.

36. Mr. ORTIZ (Bolivia) said that the phrase "which are particularly vulnerable to illicit transit traffic on account, inter alia, of their geographical location," should be added at the end of the sixth preambular paragraph of the draft resolution.

37. Draft resolution A/C.3/47/L.33, as orally revised, was adopted.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/47/L.27, L.34-38)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued)

(c) HUMANITARIAN QUESTIONS (continued)

38. The CHAIRMAN drew attention to the draft resolutions listed under agenda item 96 and said that they had no programme budget implications.

Draft resolution A/C.3/47/L.27

39. The CHAIRMAN said that Belgium, Colombia, Côte d'Ivoire, Croatia, Egypt, Morocco and Nigeria had joined the sponsors.

40. Draft resolution A/C.3/47/L.27 was adopted.

Draft resolution A/C.3/47/L.34

41. The CHAIRMAN said that Afghanistan, Azerbaijan, Belize, Bulgaria, Chile, Côte d'Ivoire, Croatia, Guinea, Guinea-Bissau, Haiti, Honduras, Liechtenstein, Malaysia, Morocco, Namibia, Samoa, and Uruguay had joined the sponsors.

42. Draft resolution A/C.3/47/L.34 was adopted.

Draft decision A/C.3/47/L.35

43. The CHAIRMAN said that the following sentence should be added at the end of the text of the draft decision: "the Governments of the newly-independent States concerned and the Government of the Islamic State of Afghanistan are also encouraged to hold negotiations and contacts in good faith in order to achieve the above-mentioned humanitarian objective."

44. Draft decision A/C.3/47/L.35, as orally revised, was adopted.

Draft resolution A/C.3/47/L.36

45. The CHAIRMAN said that Afghanistan, Albania, Azerbaijan, Belize, Burundi, Cameroon, Côte d'Ivoire, Croatia, Guinea-Bissau, Haiti, Mauritania, the Republic of Korea, Rwanda, Samoa, the United Republic of Tanzania and Togo had joined the sponsors. He pointed out that the representative of Norway had orally revised paragraph 17, replacing "Underlines" with "Takes note of" and replacing "urges" with "encourages".

46. Draft resolution A/C.3/47/L.36, as orally revised, was adopted.

Draft resolution A/C.3/47/L.37

47. The CHAIRMAN said that Bangladesh, Cyprus, Djibouti, Italy, Jamaica, the Libyan Arab Jamahiriya, Mauritania, Mongolia, Nigeria, Oman, Peru, the Philippines, the Sudan, Togo and Tunisia had joined the sponsors.

48. Mr. BLACKMAN (Barbados) said that, in the second preambular paragraph, the second line, "1992" should read "1990".

49. Draft resolution A/C.3/47/L.37, as orally amended, was adopted.

50. Mr. KUEHL (United States of America) said that, while his delegation had joined the consensus on that draft resolution, it reserved the right to give an explanation of vote in the plenary Assembly.

Draft resolution A/C.3/47/L.38

51. The CHAIRMAN said that Afghanistan, Angola, Benin, Burundi, Cameroon, Canada, Côte d'Ivoire, Croatia, Cyprus, Denmark, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Luxembourg, Nigeria, the Republic of Korea, Rwanda, Samoa, Sierra Leone, Togo and Uganda had joined the sponsors.

52. He pointed out that the representative of Austria, when introducing the draft resolution, had orally revised the sixteenth preambular paragraph, adding the word "externally" before "displaced" in the second line. In the eighteenth preambular paragraph, the second line, the words "the Office of" had been deleted, and "for Refugees" added after "High Commissioner".

53. Mr. THEUERMANN (Austria) said that, paragraph 8, after "the High Commissioner," the words "the Department of Humanitarian Affairs" should be inserted.

54. Draft resolution A/C.3/47/L.38, as orally revised, was adopted.

55. Mr. SRIVIHOK (Thailand), speaking in exercise of the right of reply, said that he wished to respond to the statement made on the previous day by the representative of Viet Nam. The statement made to the Third Committee at the 39th meeting by the representative of Thailand, speaking as the former Chairman of the Thai Parliamentary Commission on Refugees, had been limited to the facts he had gathered during his visit to various refugee camps in Thailand. No political considerations had been involved. The Thai Government continued to extend humanitarian assistance to Vietnamese refugees and distressed persons in Thailand. It was encouraged by the current state of the relationship between Viet Nam and Thailand and hoped that that relationship would be further strengthened.

The meeting rose at 4.45 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
44th meeting
held on
19 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. KRENKEL (Austria)

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AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

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3 December 1992

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632, 662, 667)

1. Mr. STEFANOV (Bulgaria), welcoming the substantial recent increase in accessions to United Nations human rights treaties, said that ratification of or accession to all international human rights instruments should be further actively promoted. States parties which still had reservations on important provisions should also be encouraged to consider reviewing and withdrawing them. Priority should be given to the promotion of existing instruments rather than to further standard-setting, which should be confined to areas that were either of particular significance in the light of new developments or enjoyed broad consensus among Member States.

2. Bulgaria was a party to the International Covenants on Human Rights, including the Optional Protocol to the International Covenant on Civil and Political Rights, and to the other principal human rights instruments. The 1991 Constitution guaranteed the incorporation of the provisions of international instruments to which Bulgaria was a party into domestic legislation and the supremacy of the former in the event of conflicting provisions.

3. Bulgaria had significantly changed its policy with regard to the international human rights treaty monitoring bodies, withdrawing a number of reservations to the relevant instruments and recognizing the jurisdiction of the International Court of Justice in respect of a number of conventions. It attached particular importance to the role of those bodies in securing full compliance by States parties with their treaty obligations. It had accordingly recognized the competence of the Human Rights Committee and the Committee against Torture to receive and consider communications from a State party claiming non-fulfilment by another State party of its duties under the relevant Conventions, and the competence of the Committee on the Elimination of Racial Discrimination and the Committee against Torture to receive and consider communications from individuals or groups of individuals claiming that their rights had been violated. It had withdrawn its reservation regarding article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. Bulgaria had also withdrawn its reservations concerning the compulsory jurisdiction of the International Court of Justice in respect of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(Mr. Stefanov, Bulgaria)

5. Radical changes were being made to national laws, including those directly connected with human rights and fundamental freedoms. Numerous acts had been adopted to rehabilitate persons subjected to repression under the totalitarian regime, and measures had been taken to reinstate rights violated in the past. Additional measures had been successfully taken to bridge the gap between the law and its implementation.

6. Efforts were now being made to expedite the submission of Bulgaria's overdue periodic reports to the human rights treaty bodies. A consolidated second and third report was now ready for submission to the Human Rights Committee. Periodic reports to other bodies were under preparation, the delay in submission being due to the need to update them to reflect the withdrawal of reservations and the changes in legislation and in judicial and administrative practice. Concerned as it was about the lack of adequate funding for the Committee on the Elimination of Racial Discrimination and the Committee against Torture, Bulgaria fully supported the proposal to finance both Committees from the regular budget, and trusted that the General Assembly would adopt the recommendation of the States parties to that effect.

7. In conclusion, he said that, after becoming a full-fledged member of the Council of Europe, Bulgaria had ratified the European Convention on Human Rights; it had, moreover, accepted the compulsory jurisdiction of the European Court of Human Rights. Bulgaria pledged to continue to support the enhancement of United Nations human rights machinery.

8. Mr. GARRETON (Chile) said that Chile was a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights, and had withdrawn its reservations to the latter two instruments. Chile was up to date with the submission of all its periodic reports to the human rights treaty monitoring bodies.

9. Refering to document A/47/518, he supported the recommendation to fund the Committee on the Elimination of Racial Discrimination and the Committee against Torture from the United Nations regular budget, as recommended by the States parties to the relevant Conventions. The General Assembly had repeatedly stressed the need to streamline the work of the human rights treaty bodies and to provide them with the necessary resources. In the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628) the chairpersons, some of whose comments applied, mutatis mutandis, to the functioning of other monitoring mechanisms such as the special rapporteurs and representatives, independent experts and working groups, had stressed the close link between adequate secretariat resources and the effective functioning of the treaty body system. The primitive working conditions of the secretariat of the Centre for Human Rights, of which he had first-hand experience, and the fact that only 1 per cent of the Organization's budget

(Mr. Garreton, Chile)

was devoted to human rights were incompatible with the priority that should be accorded to human rights activities by the Organization within its mandate under the Charter. The chairpersons had, moreover, emphasized the need for human rights concerns to be fully integrated into the overall range of activities of the Organization.

10. His delegation supported the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and would continue to participate in endeavours to refine the legal framework in that sphere. As long as such unacceptable practices continued to exist, the United Nations should spare no effort in drawing up new standards and procedures and improving those already in existence.

11. Finally, welcoming the debate on the issue of the proliferation of reservations made by States parties to human rights instruments, and pointing out that, after its return to democracy, his country had withdrawn its reservations to the Convention against Torture, said that the issue might usefully be considered by the International Law Commission.

12. Mr. ZHANG Yishan (China) said that his delegation was pleased to note the large number of States that had already signed, ratified or acceded to the Convention on the Rights of the Child, evidence of the wide acceptability of its provisions and their consistency with actual needs. China had taken an active part in the drafting of the Convention. With its huge child population, it attached great importance to the welfare, education and protection of children, and had adopted legislative, administrative and other measures to provide a sound environment for their all-round development. The 1991 Law of the People's Republic of China on the Protection of Minors provided new guarantees for the enhanced protection of children's rights and the legislative basis for the implementation of the Convention.

13. The 1990 World Summit for Children had been a milestone event and the Chinese Government had signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, both of which had formed the basis for China's own Programme of Development for Children in the 1990s.

14. At the second session of consultations on the Convention on the Rights of the Child in East Asia and the Pacific region, held in August 1992 and sponsored jointly by the Chinese Government and UNICEF, the questions of guiding principles, monitoring of implementation and removal of obstacles to ratification of the Convention had been discussed, and the Beijing Agreement for enhanced cooperation among States and regions had been adopted.

15. Enforced or involuntary disappearances were serious violations of human rights. All States should make such violations punishable offences under their national legislation and prosecute all offenders. The aim of the draft

(Mr. Zhang Yishan, China)

declaration on the protection of all persons from enforced or involuntary disappearances was to raise awareness of the problem and encourage all Governments to adopt or strengthen measures to protect their citizens in that regard. The declaration could not supersede national legislation, but when its principles were supported through national legislation and legal practice, it would be possible to provide effective protection against such violations. Lastly, he stressed that the effective functioning of the treaty bodies depended on adequate funds and thought that it was feasible to finance their activities through the regular budget.

16. Mr. SOH (Republic of Korea) said that, although his Government welcomed the new human rights instruments, it also stressed the need to implement existing ones. The first step was the timely submission of comprehensive reports, which formed the basis for the dialogue between treaty bodies and States parties and gave the latter the opportunity to improve their domestic human rights situation. The treaty bodies should follow the practice established by the Committee on the Elimination of Racial Discrimination of listing the States parties whose reports were long overdue. That practice encouraged early submission of reports and helped to identify the difficulties faced by some States parties. There was also a need to provide technical assistance and advisory services to States to assist them in carrying out their reporting obligations. The treaty bodies, the Commission on Human Rights and the United Nations Institute for Training and Research (UNITAR) had an important role to play in that effort. In light of the financial constraints preventing ongoing assistance and training programmes for all those in need, priority should be given to the countries that regularly experienced reporting problems. To establish a more comprehensive network of services, international training institutions should consider including material on reporting systems in their programmes.

17. It was also necessary to ensure compliance with the human rights treaties themselves. Since the practice of expressing reservations to treaties could lead to loopholes, the question of the incompatibility of reservations with the letter and spirit of the treaties should be given further consideration. In that connection, his Government had recently withdrawn certain reservations to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

18. He commended the work carried out by the treaty bodies and the Commission on Human Rights for the success achieved in the face of formidable difficulties. The long-standing problems confronting the treaty bodies should be solved as soon as possible. The timely consideration of the reports submitted by States parties was essential: long intervals between the submission of reports and their consideration was a disincentive for timely submission. Collaboration by the treaty bodies could also lead to savings and facilitate their work. The meetings of the persons chairing the human rights bodies was a worthy initiative promoting interaction among them; and the sharing of information could provide channels for concerted action. The

(Mr. Soh, Republic of Korea)

computerization of the treaty body system should be considered with a view to establishing a reliable database.

19. It might be helpful to rely more on public information for promoting public support to influence Governments' attitudes towards human rights instruments. While Governments should be in the forefront of efforts to ensure respect for human rights, grass-roots participation could play an important role in generating awareness of the rights of individuals. Although field-level United Nations information centres had made initial progress in that regard by disseminating information on human rights issues, global measures to promote understanding of those issues had not yet been implemented. In view of the proximity of the World Conference on Human Rights, more should be done to increase general awareness of that pivotal event.

20. The precarious financial situation of some treaty bodies was cause for concern, especially in view of the growing need for their services. Since there was a close link between adequate secretariat resources and effective functioning of the treaty bodies system, the issue must be adequately addressed. Lastly, his country, which was a State party to various human rights instruments, stressed that the United Nations must tackle human rights violations with renewed vigour and that progress must be achieved through commitment and compassion, rather than fear.

21. Mr. SLABÝ (Czechoslovakia) said that his country consistently sought to strengthen the role of the United Nations in the field of human rights. The principle of non-interference in internal affairs should not prevent discussion of human rights violations at international forums. Accordingly, he called for the strengthening of the role of the United Nations bodies, particularly the Human Rights Committee, in exerting pressure on individual States where there were cases of serious human rights violations. Czechoslovakia fully supported the strengthening of the human rights monitoring mechanisms. The system of special rapporteurs and special representatives for human rights situations in individual countries was an important instrument for protecting human rights.

22. The activities of some international treaty bodies, however, had not yielded the necessary results owing, inter alia, to a lack of balanced and up-to-date agendas and to funding problems. His country had always fulfilled its financial obligations under the treaties to which it was a party and supported the financing of the treaty bodies through the United Nations regular budget.

23. Coordination of the activities of the treaty bodies and a more accurate definition of their responsibilities, accompanied by strict compliance by States parties with their obligations, would enhance the efficiency of those bodies. Specific information on compliance with reporting and financial obligations by States parties should become part of the annual reports on the

(Mr. Slabý, Czechoslovakia)

status of the human rights treaties. He supported the procedure whereby treaty bodies could use information available from other sources when reports by States were overdue. The Manual on Human Rights Reporting was a very valuable instrument in that connection. Czechoslovakia welcomed the decision of the Human Rights Committee to adopt concluding comments on reports reflecting the views of the Committee as a whole and supported the establishment by the Commission on Human Rights of an open-ended working group to elaborate a draft optional protocol to the Convention against Torture.

24. After the dissolution of the Czech and Slovak Federal Republic in January 1993, the two successor States would continue to comply with their obligations under international human rights instruments. Czechoslovakia was fulfilling its current reporting obligations: it had submitted a report to the Committee on Economic, Social and Cultural Rights and was preparing its report on the implementation of the Convention on the Rights of the Child. The successor States would thus have a very good opportunity to demonstrate to the world a civilized way of resolving human rights issues.

25. Ms. PIANO (Estonia), speaking on behalf of the three Baltic States, said that the issue of human rights was of great importance to the Baltic States which, as they developed democratic societies, were devising new laws in accordance with international standards and modernizing government structures to facilitate the implementation of human rights instruments.

26. Since the recent recovery of their ability to conclude international agreements, the three Baltic States had adopted constitutions and passed national legislation guaranteeing basic human rights. More importantly, they had acceded to the two International Covenants on Human Rights, as well as a number of other international human rights instruments. The Baltic States recognized that those legal instruments were an important part of an international framework for the protection of human rights, and were adopting them as a foundation for their own national legislation and establishing government structures to monitor and implement human rights guarantees.

27. Individually, Latvia had decided that international human rights law took precedence over its domestic law. The 1992 Estonian Constitution guaranteed the fundamental rights of citizens, while Lithuania's law on national minorities established an entire system of legal protection for the rights of national minorities and communities. All persons permanently residing in the Baltic States enjoyed freedom of work as well as a range of welfare rights, while in Latvia and Lithuania minorities were authorized by law to promote their culture through associations, the printed media and schools, many of which received government subsidies.

28. The Government of Latvia had recently hosted a United Nations human rights fact-finding mission and a similar mission from the Conference on Security and Cooperation in Europe was due to visit Estonia the following month. Information from those missions should clearly establish the

(Ms. Piano, Estonia)

conformity of human rights practices in each country with the requirements of the conventions they had entered into, as well as with other human rights norms, and determine whether there was any foundation for charges of human rights violations in the Baltic States. The Baltic States were developing human rights legislation to reflect the legal order established in their Constitutions.

29. The Baltic States welcomed the forthcoming World Conference on Human Rights, to be held in 1993 in Vienna, as an opportunity to make significant progress towards universal acceptance of the International Covenants on Human Rights. Despite the drastic changes under way in the Baltic States as a result of the transformation of their centrally planned economies to economies based on free market principles, human rights had been and would remain a matter of top priority.

30. Mr. PALLAIS (Nicaragua) said that although the global changes that had occurred during the past three years had had a positive effect on international relations and had led to progress in the enjoyment of human rights, those same rights had regressed considerably in some regions on account of unchecked nationalist, regionalist, ethnic or religious passion. Such tendencies were illustrated by the emergence, in some European countries, of xenophobia reminiscent of the period prior to the Second World War. Those developments were a reminder that history was a process of constant change and that human rights, which should be a vehicle of progress, had to be protected by the international community.

31. The United Nations should not allow the principle of non-intervention to be used as a shield behind which gross and systematic human rights violations were committed, nor should it allow the international system for the protection of human rights to be used by outside States as a pretext for undue interference with a people's free and sovereign choice of Government.

32. The possibility of reconciling those apparently contradictory assertions had been demonstrated by the action undertaken by the United Nations to combat apartheid, against which the international community had acted in keeping with its responsibilities and without unjustified intervention. However, although progress had been made in combating apartheid, much remained to be done.

33. For the first time in its history, Central America was governed by six democratic Governments, thanks to the efforts of its peoples through the Esquipulas II process and the help provided by the international community. After years of war and a decade that had been wasted for development, Central America was no longer an area of ideological confrontation. However, it faced fresh challenges as a result of the unavoidable need for economic adjustment, with its associated social and environmental problems that could prove to be a powder-keg beneath the nascent Central American democracies, whose consolidation was a matter of the utmost priority.

(Mr. Pallais, Nicaragua)

34. On account of the scale of the task of combating poverty, the Governments of Central America had made it a moral and political commitment. They were making drastic cuts in military expenditure and restricting State economic intervention. The machinery for Central American integration had been renovated in order to improve the region's economic prospects, and social programmes had been introduced for the benefit of the most vulnerable sectors. However, those efforts also required outside assistance in the form of better access and improved prices for Central American products on international markets and more equitable external credit and economic relations with the industrialized countries. Such a joint effort was alone capable of ensuring that future generations inherited a sound democratic system founded on sustainable development.

35. A key objective of the Government of President Chamorro was the establishment of a State governed by the rule of law, to ensure that democracy was exercised in full and to achieve social justice for all sectors of the nation. The policy of national reconciliation, one of whose landmarks had been the institution of the Forum for National Consultation, sought to guarantee stability and social harmony in order to safeguard the population as a whole and better to use the country's limited resources to achieve the full development of democracy, which was a prerequisite for links with the international community.

36. One essential issue debated within the Forum had been that of property. The debate had led to the adoption of measures to provide a legal solution and to restore property unjustly confiscated by the previous regime.

37. As part of its efforts to achieve an overall improvement in the living conditions of Nicaraguans, the Government had prepared a plan of action to combat poverty. The plan involved several ministries and two specially established agencies, the Emergency Social Investment Fund (FISE) and the Fund to Provide Care for Oppressed Sectors (FASO). The aim of FISE was to develop fully the potential of the poor and to integrate them into Nicaragua's social and economic development.

38. The Government of Nicaragua devoted nearly half of the national budget to welfare, thereby giving priority to the most vulnerable sectors of society. The problems were aggravated by factors beyond the Government's control, such as the high population growth rate and level of external debt.

39. One of the main problems facing Nicaragua was what might be called the "culture of violence" inherited from many years of war, where certain members of society employed force to pursue their demands. With the support of the European Economic Community, Nicaragua was providing education in human rights, as part of a long-term programme to transform that culture of violence into one of peace, and to allow conflicts to be settled by peaceful means, such as through the courts. Emphasis was placed on the joint responsibility of the individual, the family, society and the Government. A bill to make

(Mr. Pallais, Nicaragua)

human rights teaching compulsory at various levels of the educational system had been brought before Parliament. A programme to reduce the size of the army and to reorganize the police had been completed, and human rights teaching had been introduced into police and military training programmes in order to lay the foundations for democratic law and order through the development of a sense of public service in the minds of the police and the military. Lastly, the office of Government Attorney for Human Rights had been set up with the primary objective of ensuring respect for human rights throughout the country. In addition, a civil inspectorate had been set up under the Ministry of the Interior to ensure that human rights were respected by the police.

40. Nicaragua wished to intensify its support for the efforts of the United Nations to combat all types of human rights violations, and supported the decision to hold the World Conference on Human Rights in Vienna in 1993. It intended to take an active part in that Conference, as well as in the regional preparatory meeting to be held in San José, Costa Rica. The Conference would be a milestone in international cooperation to promote and defend human rights.

The meeting rose at 4.30 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
45th meeting
held on
Friday, 20 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. JALLOW (Vice-Chairman)	(Gambia)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632, 662 and 667)

1. Mr. SHARP (Australia) said that, notwithstanding all the recent dramatic changes in the world, the ideals propounded in the Universal Declaration of Human Rights - freedom of speech and belief for all, with life and personal liberty protected by the rule of law - were far from being realized. The principle of the universal applicability of fundamental human rights and freedoms asserted in the Charter had been given substance through the elaboration of a human rights treaty system, implementation of which was monitored by expert committees. Those committees contributed significantly to the acceptance by Governments of their accountability for taking measures to promote and protect the rights of their citizens. Constructive dialogue had been established through the consideration of States parties' reports, and the question of human rights generally had been viewed with a more open and less confrontational attitude.

2. He welcomed the increase in the number of States parties to human rights treaties, but deplored the fact that the increase had been due, essentially to the increase in the total United Nations membership. He believed that the occasion of the second World Conference on Human Rights to be held in Vienna in 1993 would be an opportune time to emphasize the universal nature of human rights and to set the year 2000 as a target for universal ratification of or accession to the seven main human rights instruments. Australia urged all Member States that had not already done so to ratify, accede or succeed to the major human rights instruments.

3. Another impediment to the universality of the treaty system was the large number of reservations that some States parties had entered to various human rights instruments. At the October meeting of persons chairing the human rights treaty bodies, alarm had been expressed at the number, nature and scope of those reservations. While recognizing that there was a legitimate role for reservations to treaties, the chairpersons had noted that some of the reservations could be incompatible with the object of the treaties in question and had taken note, inter alia, of the view of the Committee on the Elimination of Discrimination against Women in that regard. Australia therefore urged all States parties having substantive reservations to any Convention or Covenant to review those reservations with a view to withdrawing them. He also endorsed the recommendation formulated by the fourth meeting of persons chairing the human rights treaty bodies that the General Assembly should authorize the Commission on Human Rights to study issues of incompatibility arising out of the reservations made to the main human rights instruments.

(Mr. Sharp, Australia)

4. He emphasized the essential role of the bodies created pursuant to international human rights treaties and expressed the view that, in order to ensure the implementation of human rights instruments, those bodies should have sufficient resources at their disposal. Except for the Committee on the Elimination of Racial Discrimination and the Committee against Torture, the work of human rights committees was funded fully from the regular budget. In the view of his delegation, the universal nature of human rights was itself sufficient reason to rectify those two exceptions. In the absence of sufficient resources, implementation of the two Conventions was not assured to the degree that it should be. As Australia had emphasized at the Meeting of States Parties to the Convention on the Elimination of Racial Discrimination in January 1992, implementation of the Convention had been undermined by the financial difficulties experienced by the Committee, which had been forced to cancel almost half of its annual meetings. While meetings of the Committee against Torture had not yet been cancelled, the fact that it was funded fully by contributions from States parties suggested that its future activities were at some risk of not being carried out. Moreover, the more demanding financial provisions of the Convention appeared to have contributed to the slower rate of ratification of or accession to that instrument. The Convention against Torture, adopted in 1984, had only 68 States parties. States parties to both Conventions had decided unanimously to amend them so as to provide for regular-budget funding for their Committees. Australia hoped that, at the current session, the General Assembly would endorse the decisions of the States parties and that the Secretary-General would provide for full regular-budget funding for the two Committees once two thirds of the States parties had given official notification of their agreement to the amendments.

5. Other committees, notably the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights faced a backlog in considering reports of States parties. In order to reduce the backlog, the Economic and Social Council had authorized the Committee on Economic, Social and Cultural Rights to hold an additional three-week meeting in 1993. In addition, it had been recommended in October 1992 that the Committee on the Elimination of Discrimination against Women should be given additional time to meet in order to consider the reports that it had received. Lastly, States parties to the Convention on the Rights of the Child had agreed that, in view of the rapid rate of ratification of or accession to the Convention, General Assembly approval should be sought to provide additional meeting time for the Committee on the Rights of the Child.

6. His delegation was aware that Member States were asking the Centre for Human Rights and the Division for the Advancement of Women to undertake additional tasks, often without additional resources. Australia therefore suggested that those proposals should be accommodated from the existing overall budget, by reallocating funds from lower-priority areas already identified by the Secretary-General. In order to make the best possible use of available resources, Australia recommended that the study by the

(Mr. Sharp, Australia)

independent expert on possible long-term approaches to enhancing the effective operation of bodies established under United Nations instruments on human rights should be updated and submitted to the World Conference on Human Rights and also to the next session of the General Assembly and the fiftieth session of the Commission on Human Rights. Lastly, Australia endorsed the recommendation of the fourth meeting of persons chairing the human rights treaty bodies to hold a meeting, in the context of the World Conference, among the chairpersons of the treaty bodies and the chairpersons of the principal regional and other human rights organizations.

7. Mr. Jallow (Gambia), Vice-Chairman, took the Chair.

8. Mr. MOTOC (Romania) said that the issue of the implementation of human rights treaties brought into focus the fundamental principle of legal protection for all. In recent times, Romania had through its efforts to institute a free democratic society demonstrated how committed it was to upholding human rights standards both legally and practically. As in the other new European democracies, a respect for human rights was the standard by which Romanian political life was judged. Internationally, his Government had taken the necessary steps to comply with its obligations under Articles 1 (para. 4), 55 and 56 of the United Nations Charter. Recognizing that the Organization played an essential role in setting standards and monitoring human rights, Romania, already a party to the major instruments adopted within framework of the United Nations, had decided to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

9. His delegation fully supported the concept advocated in various United Nations human rights bodies that the time had come to strive for improved, expanded monitoring of the implementation of international instruments, and to avoid normative inflation. In keeping with that position, his Government had during the latest reporting period fulfilled its reporting obligations under the International Covenant on Civil and Political Rights and the Convention against Torture. It had not merely enumerated its legislative progress but had also given an account of the overall action it had taken to counter practices and mentalities that were relics of the previous regime, and what it had done to promote respect for the dignity of the person and for human rights values as basic elements of common civilization and morality.

10. His delegation shared the concern expressed by a number of others over the crippling effect of certain reservations to the human rights instruments in general and to humanitarian instruments in particular. For want of a definition in the texts themselves of the kinds of reservations that might be incompatible with the very object of the treaties, it had been necessary to resort to international courts, whose guidelines had at times proved enlightening. However, until criteria were drawn up, Romania appealed to Member States to make a thorough assessment in good faith of the effect the

(Mr. Motoc, Romania)

reservations they were planning to enter might have upon each instrument. On the basis of such considerations, the new Romanian Government had withdrawn the reservations made by the previous regime to a series of human rights instruments.

11. His delegation welcomed the innovative practice of drafting general comments begun by the Human Rights Committee, and especially appreciated the comments on article 27 of the Covenant, which placed the question of national minorities in its natural context, that of human rights. Romania fully shared that point of view and had made an unequivocal commitment to protect the rights and identity of persons belonging to minorities, as evidenced by its 1991 Constitution and its various statements in international bodies. His delegation looked forward to the 1993 World Conference on Human Rights as the occasion for an authoritative pronouncement on that issue.

12. As a country whose Constitution gave precedence to international human rights instruments over domestic laws, Romania saluted the achievements of the human rights treaty bodies, especially their encouragement of the widest possible ratification of the treaties by Member States, their arrangements for dealing with overdue reports by States parties, and their greater reliance on the information and expertise of non-governmental organizations in the field. His delegation nevertheless believed that, despite the impressive number of States reported in the introductory statement as having acceded to the human rights instruments, the concept of human rights was far from being universally recognized in all its complexity.

13. With an eye to its scheduled admission as a full member of the Council of Europe in 1993, Romania, currently in observer status, had undertaken a thorough and detailed review of its legislation with a view to integrating agreed international standards and guidelines and changing mentalities. The Council of Europe and Romania were currently expanding their cooperation, exchanges and assistance in all fields, as evidenced by the informative meeting on the European Convention on Human Rights held in early November in Bucharest. The importance of concluding an association agreement between the European Community and Romania could not be overemphasized, and the active support his country's delegation had brought to the work of the 1992 Helsinki meeting of the Conference on Security and Cooperation in Europe should be noted.

14. Mr. DEKANY (Hungary) said that the notions of freedom and democracy, long of interest to only a handful of government experts and Secretariat officials at the United Nations, were steadily moving back to the forefront of the political scene. The founding fathers of the Organization had made the protection and promotion of human rights one of the priorities of the United Nations Charter. The array of human rights instruments served as a solid basis for efforts to promote international peace and security, and his delegation shared the view of the chairpersons of the human rights treaty bodies that human rights concerns should be fully integrated into the overall

(Mr. Dekany, Hungary)

activities of the Organization. The January 1992 meeting of the Security Council at the level of heads of State and Government, the Secretary-General's "Agenda For Peace" (A/47/277), and the proposals contained in his report on the work of the Organization (A/47/1) were steps in the right direction.

15. The human rights treaty bodies could play an important role in early warning and preventive diplomacy, particularly in cases of massive human rights violations. Expert opinions by members of those bodies and their participation in fact-finding missions could help the Security Council or the Secretary-General to identify possible areas of future conflict. The human rights experts should also become involved in substantive political discussions so that the Council could take full account in its deliberations and in its decisions and resolutions of the obligations of States pursuant to the principal human rights treaties. Recent decisions by some Eastern European States - the requests for fact-finding missions to evaluate the implementation of their human rights treaty obligations, and their establishment of a constructive dialogue aimed at the promotion of national human rights standards - were examples that deserved to be followed. The participation of expert members of the treaty bodies would make such missions more credible and effective in the future.

16. Hungary was pleased to note the significant increase in the number of States acceding to the various human rights instruments. It was concerned, however, that, following the break up of multinational States in Eastern Europe, the human rights treaty obligations originally assumed by those States would continue to be in effect only in certain parts of their former territories. Hungary would urge all newly independent States to make the necessary official notifications to the Secretary-General, as depositary of the human rights treaties, that the treaty provisions would continue to apply to all peoples under their sovereign jurisdiction.

17. The Hungarian delegation concurred with the view of the persons chairing international human rights treaty bodies that measures should be adopted with regard to the number, nature and scope of reservations to human rights treaties and the apparent incompatibility of some reservations with the object and purpose of the said instruments. The assistance provided under the programme of advisory services and technical assistance in the field of human rights of the Centre for Human Rights to States wishing to become parties to human rights instruments should also emphasize that issue. The timely submission of reports by States parties was important for the effective implementation of such treaties. The international human rights treaty bodies should seek other ways of examining situations, especially in cases of flagrant and massive human rights violations. They could request additional reports or information, which would make it possible to establish a constructive dialogue with the State party concerned. The Hungarian delegation also encouraged the practice of several bodies, which had been endorsed by the chairpersons, of considering the situations of States parties whose reports were long overdue. Lastly, the involvement of non-governmental

(Mr. Dekany, Hungary)

organizations in the process of the consideration of State party reports would enhance the informative character of the deliberations.

18. The general comments and recommendations of the international treaty bodies constituted useful guidelines, not only for States parties, but also for the thematic and country rapporteurs, as well as fact-finding missions. The Hungarian delegation deemed particularly relevant the decision of the Human Rights Committee to make a general comment on article 27 of the Covenant. Hungary welcomed the recently published compilation of general comments and recommendations and hoped that arrangements would be made for updating it regularly. His delegation strongly endorsed the proposal to update the report of the Chairman of the Committee on Economic, Social and Cultural Rights and to present it at the World Conference on Human Rights.

19. At the previous session of the General Assembly, efforts had been made to place the two Committees which were not fully financed from the regular budget of the United Nations on a firmer financial footing. The States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had adopted amendments in that regard to their respective instruments, and the General Assembly had been invited to adopt the necessary financial arrangements to ensure the smooth functioning of those two bodies. Nevertheless, Hungary shared the concern of the chairpersons and, in view of the time required to collect the requisite number of ratifications - approximately two years - requested that States parties comply punctually with their financial obligations and eliminate their arrears so as to avoid the cancellation of meetings. Hungary also urged States parties to speed up the domestic ratification process. Administrative and support services to the international treaty bodies was another problem; it was regrettable that one of the priority areas of activity for the Organization should receive less than 1 per cent of regular budget resources. The restructuring and streamlining of the Secretariat should reflect the primary importance of human rights, both in terms of budgetary allocations and of administrative arrangements. The Hungarian delegation had consistently supported the idea of strengthening the human rights machinery of the United Nations in both the political and the administrative and budgetary areas.

20. Mr. FISENKO (Belarus) said that his country, which attached the greatest importance to human rights questions, shared the views expressed at the Summit Meeting of the Security Council on 31 January 1992 concerning international peace and security, the link between respect for human rights and development, flagrant human rights violations which were the source of many current conflicts, conflict prevention and the strengthening of international cooperation in the humanitarian field, especially with regard to human rights and the rights of national minorities.

(Mr. Fisenko, Belarus)

21. The Belarusian delegation, like other delegations, believed that the systems of obligations deriving from international treaties in the field of the defence and promotion of human rights should be strengthened. While progress had been made in recent years, it was regrettable that the participation of Member States in human rights treaties was still far from universal. Only 67 States were parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, notwithstanding the fact that 112 and 120 countries, respectively, had acceded to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, a considerable number of States Members still had not yet done so. Accession to the basic human rights treaties was only a beginning - a very important one, of course - but it was also necessary to ensure the effective implementation of the norms embodied in those treaties, i.e., by incorporating them into national legislation.

22. As was clear from its Declaration of State sovereignty of August 1990, which had become a Basic Law in August 1991, the Republic of Belarus based its domestic and foreign policy on respect for human rights and fundamental freedoms. Democracy, the rule of law and genuine popular sovereignty were the principles governing the changes designed to establish a new system in the country. The main issues involved were full legal, political and economic autonomy, the achievement of State sovereignty, the end of a one-party monopoly and the establishment of a multiparty system, the transition to a market economy and the affirmation of the new role of the individual in society. All those changes should be reflected in the new constitution currently under consideration in the Parliament, which was based on "de-ideologization", respect for international constitutional practice and, above all, guarantees of the rights, freedoms and duties of citizens. The Parliament was also studying draft legislation relating to national minorities, the legal status of foreign nationals and stateless persons, the rights of the child, freedom of conscience and religious organizations.

23. The Republic of Belarus had further shown its attachment to human rights by declaring, at the time of the founding of the Commonwealth of Independent States, that all States should strictly obey (1) the principles embodied in the Universal Declaration of Human Rights and other internationally recognized treaties, especially with regard to the rights of national minorities, and (2) the principle that all disputes should be settled by exclusively peaceful means. The same principles governed the Belarusian position on the draft statute of the Commonwealth of Independent States, which would place great emphasis on human rights questions and cooperation in that area, for example, through the creation of a special human rights committee.

24. The Supreme Council of Belarus had ratified the Optional Protocol to the International Covenant on Civil and Political Rights and had recognized the competence of the Human Rights Committee in accordance with article 41 of the Covenant. In 1992 the country had become a full member of the Conference on

(Mr. Fisenko, Belarus)

Security and Cooperation in Europe (CSCE), and had signed the Helsinki Final Act and the Charter of Paris for a New Europe.

25. In the course of the year the Human Rights Committee had also considered the third periodic report of Belarus on implementation of the International Covenant on Civil and Political Rights (A/47/40, paras. 519 to 561). The report on the International Covenant on Economic, Social and Cultural Rights was due to be considered shortly. All those examples clearly showed that Belarus was attached to the cause of human rights, unaffected by ideology, and that it would seek to strengthen cooperation with United Nations bodies and other international organizations, and with States.

26. In the same spirit, his delegation supported the efforts made to strengthen the role within the United Nations of the representative organs and those set up under the terms of human rights instruments, and to improve their coordination. It had noted with interest the conclusions of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628), institutionalization of which his delegation welcomed. It endorsed the views expressed regarding timely submission of overdue reports, universalization of the human rights instruments, the financial situation of the treaty bodies (particularly that of the Committee on the Elimination of Racial Discrimination and of the Committee against Torture), secretariat resources, promotion of interaction among the treaty bodies and computerization of their work. Among the conclusions and recommendations (paras. 41 to 88), it attached particular importance to the Security Council's taking account in its resolutions of the obligations of States pursuant to the principal human rights treaties, to the more active role that the treaty bodies would have to play in seeking to prevent human rights violations, and to the need for more effective integration of human rights into the totality of United Nations activities.

27. However, his delegation did not accept that the secretariat resources required to ensure adequate servicing were not available. Consequently, his delegation did not consider it necessary to call upon an independent expert to study the full range of measures that would be required at the secretariat level if servicing was to be provided (para. 50); to constitute an expert group to undertake a comprehensive review of the existing information programme (para. 56); or to authorize the Subcommission on Prevention of Discrimination and Protection of Minorities to prepare an analytical study of the reservations that had been entered to the principal treaties (para. 62).

28. At the current session his delegation would submit a draft resolution on the Convention on the Prevention and Punishment of the Crime of Genocide. While reserving the right to speak again in the debate on human rights, it hoped that the exchange of views in the Third Committee would make possible a new approach to the important and complex problems linked to respect of those rights, aimed at resolving them.

29. Mr. RATA (New Zealand) said that all States Members of the United Nations had pledged themselves to promote universal respect for human rights and fundamental freedoms, and that those standards had been set forth in a comprehensive body of international instruments. The special session of the Commission on Human Rights early that year, devoted to the situation in the former Yugoslavia, had provided new evidence of the importance of giving effect to those standards, even when circumstances were difficult.

30. The number of States that had ratified the human rights instruments had increased appreciably, underlining the growing importance of those instruments and, more generally, of the role of the United Nations in the area of human rights. Currently, 164 States were parties to one or more of the instruments, although, needless to say, universal adherence remained the goal.

31. In recent weeks, New Zealand had presented to the Committee against Torture its initial report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had lodged with the Secretariat in Vienna its second periodic report on the Convention on the Elimination of All Forms of Discrimination against Women. It had continued to participate actively in the work of the Working Group on Indigenous Populations, which had been entrusted with the task of drafting a declaration on the rights of indigenous peoples that would represent an important contribution to the International Year for the World's Indigenous People. The visit to New Zealand by the Chairperson of the Working Group at the beginning of the year, at a time when the Government had been consulting the relevant agencies and the Maoris about the draft declaration, would certainly have helped to advance that process.

32. In addition, New Zealand had participated in the meeting, held in Vienna, of the inter-sessional working group of the Commission on the Status of Women, which had produced a draft Declaration on the Elimination of Violence against Women. More recently, it had attended the discussions of the Commission on Human Rights working group on a draft optional protocol to the Convention against Torture.

33. As the work of the United Nations on standard-setting was almost complete, it should now focus on implementation of the human rights instruments and ensure that universal ratification of those instruments should be a priority for the 1990s. In that regard, the treaty bodies, whose membership encompassed all regional groups and independent experts, would play a crucial role. His delegation thus unreservedly supported the holding of regular two-yearly meetings of their chairpersons, and was devoting the most careful attention to the recommendations made at their most recent meeting. In particular, it supported the proposal to transform the group of chairpersons into a special advisory body for the World Conference on Human Rights. It considered that the question of adequate funding of the Centre for Human Rights and of the treaty bodies was also a priority issue (in that connection, the Third Committee was to consider the amendments to the International Convention on the Elimination of All Forms of Racial

(Mr. Rata, New Zealand)

Discrimination and the Convention against Torture). His delegation endorsed the need to ensure an adequate flow of information to the treaty bodies, in particular where past reports by States parties and reports under other treaties were concerned. Furthermore, the Manual on Human Rights Reporting should be made available to all States parties. Lastly, training courses on preparation of reports should be held, on a regional basis, since direct contact between human rights experts and the officials responsible for implementation of the various treaties was of great value.

34. In the months ahead, the watchwords should be "strengthening" and "streamlining". His Government hoped that, with careful preparation, the World Conference on Human Rights would result in a consensus to advance the promotion and protection of human rights in concrete ways.

35. Mr. HUSSEIN (Iraq), briefly summarizing the history of human rights since the adoption of the Charter of the United Nations and the Universal Declaration, said that during the cold war each camp had used the concept of human rights to defend its own interests at the expense of those of the third world. After the collapse of the socialist camp, the principles of human rights had been used to serve a single ideology, that of the victor, with no regard to the possible consequences for others. The recent dramatic changes in the world situation should not question the link between civil and political rights on the one hand and economic, social and cultural rights on the other. That position was confirmed by General Assembly resolution 46/117 and by the report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), which considered international cooperation for exercising human rights both a right and a duty. Referring to those documents and to article 11 of the International Covenant on Economic, Social and Cultural Rights, he said that, in the case of his country, the sanctions provided for in Chapter VII of the Charter should not infringe on the fundamental economic, social and cultural rights of the citizens of the countries sanctioned and that the special commissions of independent experts should make sure that their decisions and recommendations were not influenced by political considerations.

36. Turning to the situation in his country, he said that, despite the individuality of the Iraqi people and its attachment to its national and territorial unity, Iraq was a party to almost all of the international instruments and, in particular, to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. As a consequence of the embargo, 93,866 people, including 88,902 children under five years of age, had died since August 1990. Citing a long list of staple commodities that the sanctions committee had refused to approve, ranging from heating equipment for hospitals and replacement parts for water purification plants to antimalarial medicines, he wondered whether the efforts of the Commissions were not an instance of veritable planned genocide and said that the human rights instruments which the United Nations was supposed to respect were being compromised by a resolution against Iraq. Other countries might find themselves in the same situation in the future.

(Mr. Hussein, Iraq)

37. In conclusion, he said that the Third Committee and the United Nations in general should assume their humanitarian responsibilities by requesting the lifting of the embargo, for which there was no longer any legal justification, in accordance with the principles of the Charter concerning the peaceful settlement of disputes. He wondered what the sense was of applying the preventive diplomacy advocated by the Secretary-General if it was to be geographically selective. The situation in Iraq was a test both for the international community and for the principles it defended and endeavoured to implement.

38. Mr. KASOULIDES (Cyprus) was pleased to note that States were continuing to ratify or accede to the international human rights instruments. The Organization should now turn its attention to ensuring rigorous implementation of those instruments.

39. The Cypriot Constitution contained provisions concerning the protection of human rights. However, it was impossible to apply them to the entire country because of the foreign occupation. The United Nations should focus its attention on the parts of the world where human rights principles could not be implemented. Similarly, it should enhance the operation of the human rights treaty bodies by providing them with adequate resources. His delegation was convinced that the cost of the operation of all those bodies should be funded under the regular budget of the United Nations.

40. Cyprus, which had ratified or acceded to the principal international human rights instruments, was pleased to announce that it had ratified the First Optional Protocol to the International Covenant on Civil and Political Rights and had initiated the ratification process for the Second. Furthermore, it had abolished the death penalty except for certain military offences. In addition, legislation had recently been enacted exempting conscientious objectors from military service.

41. The Human Rights Committee had made significant progress in the implementation of human rights standards. The Committee's recent work had demonstrated that the exercise of economic, social and cultural rights was inseparable from the exercise of civil and political rights. The States parties had recently amended the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had requested full funding of the associated activities under the regular budget of the United Nations. More funds should be allocated to the Centre for Human Rights to allow it to cope with its increased workload and with the numerous requests of the Commission on Human Rights and the General Assembly. In its report (A/47/40), the Human Rights Committee had requested the Secretary-General to take the necessary steps to ensure a substantial increase in the specialized staff assigned to it.

42. Cyprus had welcomed the adoption at the forty-sixth session of the General Assembly of the Convention on the Rights of the Child and had been one

(Mr. Kasoulides, Cyprus)

of the first countries to ratify it. All types of child exploitation should be universally condemned and brought to the attention of the newly established Committee on the Rights of the Child. He was certain that the General Assembly would adopt the recommendations authorizing the Committee to hold at least two regular sessions a year and to establish a working group to conduct a preliminary review of the reports of the States parties.

43. Religious freedom, which had always been one of the constants of Cypriot society, was enshrined in its Constitution, which guaranteed the equality of all religions under the law. For generations, the island's two communities, the Greek Cypriots (80 per cent of the population) and the Turkish Cypriots (18 per cent of the population) had lived in harmony, with mutual respect and religious tolerance. He hoped that a negotiated solution to the tragedy of Cyprus would be found through the good offices of the Secretary-General and that that tragedy would stand as an example to other peoples faced with religious intolerance.

44. In the view of the Government of Cyprus, the World Conference on Human Rights would make it possible to examine and assess progress made in that field, study ways of strengthening the implementation of existing standards and establish new relationships among States.

45. The current international situation called for implementing and strengthening the international human rights instruments, for which purpose it was necessary to establish mechanisms and effective implementation procedures.

46. Mr. TROTTIER (Canada) said that, since 1948, many human rights instruments had been drafted and ratified, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. In accordance with resolution 41/120, priority should be given to implementing existing standards. To that end, Canada urged as many States as possible to ratify the human rights instruments, and to review the reservations they had made with respect to the existing conventions and to withdraw them if possible.

47. His delegation attached great importance to effective monitoring by the responsible treaty bodies of compliance with standards. In that connection, it wished to make a few comments on three suggestions formulated at the fourth meeting of persons chairing the human rights treaty bodies.

48. Firstly, Canada welcomed the endorsement of the funding initiatives of the States parties to the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. The United Nations bore a responsibility for ensuring that the mechanisms developed were effective and that adequate resources were allocated to the relevant bodies. The costs of attendance for members of the Committee on the

(Mr. Trottier, Canada)

Elimination of Racial Discrimination and all the costs of the Committee against Torture were borne by the States parties to the respective instruments. Some of those States having been in arrears on their assessments for up to 10 years, the Canadian delegation had proposed a resolution requesting the Secretary-General to take the necessary steps to enable those bodies to be funded from the regular budget.

49. Secondly, Canada fully agreed with the chairpersons' suggestion that treaty bodies should not only respond to human rights violations but also prevent them. For many years it had taken the lead in introducing a Third Committee resolution to establish a link between mass exoduses and human rights violations and focus on the development of an effective early-warning system, as envisaged by the Secretary-General in his report "An Agenda for Peace". The Department of Humanitarian Affairs should serve as a focal point for such a system.

50. Thirdly, Canada was particularly interested in the Secretary-General's proposal aimed at authorizing him to bring information and recommendations concerning serious human rights situations to the attention of the Security Council. Canada hoped that the Secretary-General would follow up such recommendations and report thereon to the Third Committee at its next session. It also hoped that the independent expert would submit a report on possible long-term approaches to enhancing the effective operation of the treaty bodies.

51. He noted that work on standard-setting was nearly complete and looked forward to the adoption at the current session of the declarations on the protection of all persons from enforced disappearance and on the rights of persons belonging to national or ethnic, religious and linguistic minorities. Two other instruments yet to be completed were the draft declaration on the rights of indigenous peoples and the draft declaration on violence against women. With regard to the former, Canada hoped that the Working Group on Indigenous Populations would be able to transmit the text of the declaration to the Sub-Commission in 1993, the International Year for the World's Indigenous People. That year would mark the beginning of a new partnership between indigenous and non-indigenous people throughout the world. With regard to the declaration on violence against women, Canada commended the work accomplished so far and urged the Commission on the Status of Women to submit the text of the declaration to the Economic and Social Council at its next session. Finally, Canada pledged its full cooperation for the World Conference on Human Rights to be held in Vienna in 1993.

52. Mr. KAUPPILA (Finland), speaking on behalf of Denmark, Iceland, Norway, Sweden and his own country, said that the authority and prestige of the United Nations were more important than ever. Although the Charter required respect for human rights, those rights continued, however, to be violated not only in the developing countries but also in Europe, especially the former Yugoslavia. Among the most important international human rights standards

(Mr. Kauppila, Finland)

were those contained in articles 1 (3), 55 and 56 of the Charter, the Universal Declaration of Human Rights and the International Covenants. In 1992, a large number of States had ratified one or other of those instruments, although fewer than 70 Member States had accepted the procedure for individual complaints contained in the Optional Protocol. States not yet parties to those instruments were strongly urged to ratify or accede to them. Similarly, many States had made reservations when ratifying human rights instruments. Since some of those reservations could be regarded as contradictory to the object and purpose of the instruments in question (especially the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women), the States concerned should withdraw them as soon as possible. The Nordic countries attached great importance to the Second Optional Protocol to the International Covenant on Civil and Political Rights and hoped that all Member States would ratify it as soon as possible. A mere commitment to comply with international human rights instruments was not enough, however, and effective national implementation must be ensured through the adoption of the necessary legislation.

53. The tasks of the Treaty bodies should be expanded to enable them, in cooperation with other United Nations bodies, to examine the current situation and new challenges. The establishment by the Security Council of a new ad hoc body to study the situation pertaining to international humanitarian law indicated the direction in which the United Nations was heading. With regard to implementation of the international human rights instruments, the dialogue between States parties and treaty bodies, through reporting by States parties, effectively promoted the purposes of those instruments, provided that extended delays in the submission of those reports, or non-submission, were not tolerated. The Nordic countries were convinced that the gender perspective should be integrated into United Nations human rights work. The Committee on the Elimination of Discrimination against Women had a very important role to play in that context.

54. On the subject of the draft declaration of the rights of persons belonging to national or ethnic, religious and linguistic minorities, article 27 of the International Covenant on Civil and Political Rights contained an important provision on that question. The system of individual communications should enable the Human Rights Committee to consider the way in which that article was applied. In that regard, the Nordic countries strongly favoured the adoption of the draft declaration at the current session of the General Assembly. They also supported the adoption of a draft declaration on the protection of all persons from enforced disappearance and the drafting of a declaration on the protection of human rights workers.

55. The accession of many States to the Covenants had increased the workload of the United Nations Centre for Human Rights and, especially, of the Human Rights Committee. To ensure the continued effective functioning of the Centre, it required sufficient resources, including staff and computer equipment. At the same time, it should carry out a critical assessment of its

(Mr. Kauppila, Finland)

current work and, if need be, take the necessary action to improve the situation. The Nordic countries also supported the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies aimed at ensuring more efficient implementation of those instruments. The operating expenses of those bodies should be covered by the Organization's regular budget, and he strongly urged the General Assembly, at its current session, to implement the recommendations accordingly.

56. Finally, the World Conference on Human Rights to be held in Vienna in 1993 would provide the opportunity to measure progress made by the international community in the field of human rights. The Nordic countries were actively participating in the preparations for that Conference and would do their utmost to promote full respect for human rights and fundamental freedoms.

The meeting rose at 12.05 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
46th meeting
held on
Monday, 23 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, A/47/172, A/47/175, A/47/180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, A/47/268, A/47/280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, A/47/617, A/47/621, A/47/625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666 and A/47/676)

1. Mr. FALL (Director of the Centre for Human Rights) said that the requirements of dialogue, understanding, solidarity, equity and justice which for some time had been manifesting themselves more strongly in the world had prompted a number of United Nations initiatives to promote human rights in various sectors.

2. The first such sector was regional arrangements for the promotion and protection of human rights. In its resolution 45/167 of 18 December 1990 the General Assembly requested the Secretary-General to continue encouraging the contacts between regional bodies and commissions and the United Nations. The report contained in document A/47/502 described the activities carried out to that end by the Centre for Human Rights in Africa, Asia and the Pacific, Europe, and the Americas. One important aspect of those activities was the organization of training seminars, courses and workshops on international human rights standards in cooperation either with regional bodies, such as the African Commission on Human and Peoples' Rights and the African Centre for Democracy and Human Rights Studies, or with Governments in parts of the world where such regional bodies did not exist, for example in Asia and the Pacific. In addition, the cooperation between the Council of Europe and the Centre with regard to assistance to the countries of Central and Eastern Europe had been strengthened. The report also contained information about the action taken by the Commission on Human Rights in furnishing assistance to Governments under the advisory services programme and in encouraging the establishment, especially in regions where they did not exist, of national and regional centres for documentation, education, training and advice with regard to human rights and democracy. In that connection the technical assistance activities financed from the United Nations Voluntary Fund for Technical

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Cooperation in the Field of Human Rights should help to strengthen the existing national and regional institutions and encourage the establishment of more such institutions.

3. The second sector of United Nations human rights activity was information. The report of the Secretary-General (A/47/503) described the action taken by the Centre and the Department of Public Information in that field. Since the launching by the General Assembly in December 1988 of the World Public Information Campaign on Human Rights, the Centre, in cooperation with the Department of Public Information, had been continuously implementing a large range of activities, thus contributing to the emergence and development of a universal culture of human rights and fundamental freedoms. Three main aspects of those activities should be emphasized. First, the Centre published Fact Sheets, now numbering 18, each dealing with a specific issue or explaining one of the aspects of the machinery for application of international instruments. The Sheets had become one of the main means of disseminating information about human rights and the system established by the United Nations for their protection, and the Centre was planning to expand considerably the list of topics. Second, in its efforts to improve the organization and conduct of the training courses, seminars and workshops designed to educate both the public at large and specific groups, the Centre had published in 1992 a manual for schools of social work which had already been widely distributed. Furthermore, a complete series of training manuals for those involved in the administration of justice was being prepared, together with a manual on the establishment of national institutions for the promotion and protection of human rights. In addition, the Centre was currently cooperating with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the preparation of a manual on human rights teaching at university level. Third, in view of the need to coordinate its activities with those of other United Nations bodies, the Centre had prepared for its 1992 inter-agency meeting a working paper containing proposals and suggestions for enhancing inter-agency cooperation on human rights. The paper had been distributed and the proposals contained in it were now beginning to be implemented.

4. The third sector of human rights activity was the preparations for the World Conference on Human Rights. The Preparatory Committee for the Conference had made considerable progress on some items but it had not yet been able to adopt an agenda for the Conference. Intensive consultations were taking place on the subject and it was to be hoped that at its present session the General Assembly, in a spirit of consensus and flexibility, would adopt the agenda of the Conference. Furthermore, preparatory meetings had been or would be organized at the regional level. The African region preparatory meeting, held in Tunis from 2 to 6 November 1992, with the participation of a large number of States and non-governmental organizations (NGOs), had adopted by consensus the Tunis Declaration and several resolutions relating to the agenda of the World Conference. The meeting had also drawn attention to the obstacles to the promotion and protection of human rights in Africa, in

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particular the difficulties experienced by the countries of the African continent owing to the unfavourable international economic environment and domestic tensions. Two other regional meetings were planned for the first quarter of 1993, one in Bangkok for the Asian region and the other in San José, Costa Rica, for the Latin American region. Lastly, still with regard to the preparations for the Conference, the Preparatory Committee had decided at its second session in April 1992 to invite representatives of national human rights institutions to take part in the work of the Conference as observers in order to consolidate their role as prime movers in the promotion and protection of human rights.

5. With respect to the Commission on Human Rights, he noted that its membership had grown to 53 and that more than 1,000 people, including representatives of over 120 non-governmental organizations, had taken part in the work of its forty-eighth session from 27 January to 6 March 1992. In addition, for the first time in its history, the Commission had convened in special session on 13 and 14 August 1992 in order to consider the human rights situation in the territory of the former Yugoslavia. According to resolution 1992/S-1/1 which had been adopted at that session, the Commission had appointed a Special Rapporteur to study the human rights situation in the former Yugoslavia and to submit reports both to the forty-ninth session of the Commission and to the General Assembly.

6. Both the General Assembly in resolution 41/132 and the Commission on Human Rights in resolution 1991/19 had recognized the importance of the right to own property. For that reason, pursuant to those resolutions, the Chairman of the Commission had appointed Mr. Luis Valencia Rodriguez (Ecuador) as an independent expert to study the question. The final report of Mr. Valencia Rodriguez would be considered by the Commission at its forty-ninth session in 1993.

7. The Commission had also continued its standard-setting activities. With respect to the protection of all persons from enforced disappearance, for example, at its forty-eighth session the Commission had adopted (by resolution 1992/29 of 28 February 1992) the Declaration on the Protection of All Persons from Enforced Disappearance (A/47/434). If adopted by the General Assembly at its forty-seventh session, that realistic and constructive text would be an important step forward in the struggle against the odious practice of enforced disappearance.

8. In regard to the connection between human rights and extreme poverty, on 21 February 1992 the Commission on Human Rights had adopted without a vote resolution 1992/11 in which attention was drawn to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights. Further, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted at its forty-fourth session resolution

1992/27, by which Mr. Leandro Despouy had been appointed to study the question of human rights and extreme poverty and to submit a preliminary report on the results of his work at the Sub-Commission's forty-fifth session in 1993.

9. With respect to the right to development, he recalled that, for millions of people struggling every day to survive, that right was a quite meaningless concept. That was why the General Assembly and the Commission on Human Rights had requested the Secretary-General to put forward concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development. In that connection, certain positive aspects were to be noted, such as the report of the Special Rapporteur on the realization of economic, social and cultural rights which had recommended, inter alia, that the international financial institutions and specialized agencies and bodies within the United Nations system should take those rights specifically into account as they carried out their work. That recommendation had been approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In addition, the Sub-Commission had at its forty-fourth session appointed a special rapporteur on the promotion of the realization of the right to adequate housing (resolution 1992/26), on extreme poverty (resolution 1992/27) and on population transfers (resolution 1992/28).

10. The question of minorities had been the subject of a new instrument, specifically, the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, which the Commission on Human Rights had adopted by its resolution 1992/16 and which was at present before the Third Committee. In addition to enumerating the individual and collective rights of persons belonging to national or ethnic, religious and linguistic minorities, the draft declaration also included, inter alia, the right to enjoy their own culture, to profess and practise their own religion and to use their own language and to participate effectively in decision-making on issues concerning the minority to which they belonged and stipulated that States should take measures to ensure that persons belonging to minorities could exercise fully and effectively all human rights and all fundamental freedoms without any discrimination and in full equality before the law, and to encourage knowledge of the history, traditions, language and culture of minorities existing within their territory.

11. As in previous years, the Third Committee had before it reports on the situation with regard to human rights in various countries. In all, 11 countries had been investigated: Afghanistan, Cuba, El Salvador, Haiti, Iraq, the Islamic Republic of Iran, Myanmar, South Africa and the territory of the former Yugoslavia. It should be noted that the situation with regard to human rights in other countries was also the subject of investigations under special procedures. Reports on the situation with regard to human rights that had not yet been submitted to the Third Committee would be presented to the Commission on Human Rights in February 1993 or were being considered currently by the Special Political Committee, as in the case of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights

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of the Palestinian People and Other Arabs of the Occupied Territories. It should also be noted that the Commission on Human Rights had established a total of eight thematic procedures according to which the special rapporteurs or working groups were investigating various types of human rights violations in any country. Among the special rapporteurs in question, only the Special Rapporteur on the question of mercenaries reported both to the Commission on Human Rights and to the General Assembly.

12. More and more procedures were being established by the Commission on Human Rights. For example, the Centre for Human Rights was providing the Special Committee to Investigate Israeli Practices with 3 working groups, 16 special rapporteurs, representatives and experts, and was also organizing missions to countries. During the first 11 months of 1992, missions had been sent to 20 countries, with 10 others planned before the forty-ninth session of the Commission in February 1993.

13. The number of reports on human rights situations and the recommendations contained in those reports testified to the dynamism of the institutions dealing with human rights questions and to the high quality of the work carried out by the Organization in the area of human rights. It was thus of paramount importance that sufficient human, material and financial resources should be available for those activities. Accordingly, the Secretary-General, pursuant to General Assembly resolution 46/118, had submitted his report on the strengthening of the Centre for Human Rights, which briefly described the measures taken to increase the Centre's human and financial resources, so as to make it possible for the Centre fully to execute its mandate in the desired time-frame.

14. The CHAIRMAN informed the Committee that he had received a letter from the President of the General Assembly, which would be distributed as an official document, announcing that the General Assembly had decided at its 68th plenary meeting on 20 November 1992 to allocate to the Third Committee agenda item 149 entitled "The situation of human rights in Estonia and Latvia". He therefore suggested that the Committee should consider the agenda item in question concurrently with sub-items (b) and (c) of agenda item 97. If there was no objection, he would take it that the Committee adopted that suggestion.

15. It was so decided.

The meeting rose at 10.55 a.m.